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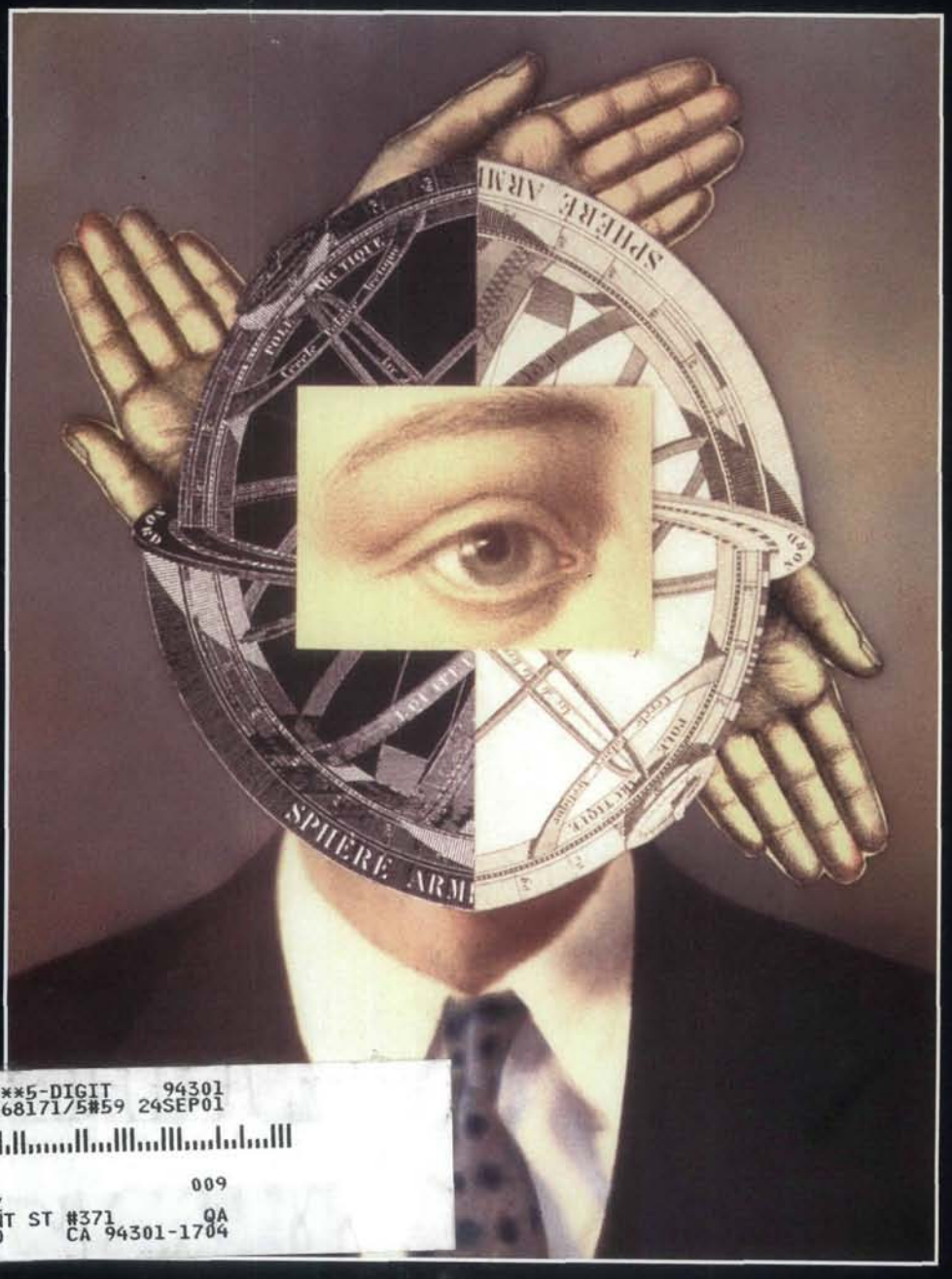

BY PETER BEINART

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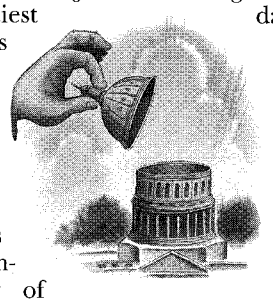
FROM WASHINGTON

Honor code

"American schools are resegregating," President Clinton warned at a ceremony marking the fortieth anniversary of integrating Little Rock's Central High. Clinton was referring obliquely to what Julian E. Barnes, in an article entitled "Segregation, now," argued in the September 22 *U.S. News and World Report*: that honors programs are reestablishing segregation within the country's public schools. Taking Little Rock's Central High as his example, Barnes approvingly quotes the charges of black leaders that these programs are racist and elitist. He notes that the U.S. Department of Education is already investigating them and is now negotiating with "civil-rights advocates" to expand its inquiry.

Barnes doesn't quote the opinion of a single parent, black or white, who has children in these honors programs. I am such a parent, and I think Clinton and Barnes would do well to hear our side of the story. In Montgomery County, Maryland, where I live, there are two archetypal schools. The first is the predominantly white, upper-class school in the tony western half of the county, whose facilities and educational objectives equal those of the fanciest private schools; the second is the integrated, majority black and Hispanic school in the grittier eastern half, whose regular classes may be only a notch above the typical inner-city school. These latter schools still manage to attract high-achieving children—many of them white and Asian, but also black and Hispanic—because of their honors programs. These programs, like the one my oldest daughter attends, offer a school within a school with its own distinct educational and even moral objectives. (My daughter's program emphasizes community service as much as calculus.)



The contrast between these programs and the regular schools can be even starker than Barnes's portrayal. Barnes acknowledges that the students in the regular classes at Central High "lay their heads down on their desks as the teacher talks," but in some of these integrated schools, the specter of violence stalks the halls. That's even the case in eastern Montgomery County, where the daughter of parents I know was threatened with sexual assault the first day she entered regular classes this fall; she refused to go back again. Sports events and dances sometimes end in fights that require scores of police to break up.

Like the honors program in Little Rock, my daughter's program has a majority of whites and Asians, while the overall school is 59 percent black and Hispanic. Hence, Barnes's claim of segregation, even though neither school's program is, in fact, segregated. (Last year, Little Rock's honors program had 13 percent black participation.) Barnes tries to make a case for discrimination against black students, but he acknowledges that some African American students shun honors classes for fear of being branded an "Oreo." In my children's schools, parents of the most ambitious and talented black kids sometimes pull them out of the public school after the sixth or eighth grade and send them (frequently on scholarships) to predominantly white private schools so that they will be insulated from the disdain for academic achievement common among their African American peers.

As Barnes notes, some educators argue that if the honors programs were dissolved, and if the honors students were forced to join the regular classes, they would get just as good an education, and the other students would benefit from their presence. But anyone with the slightest experience in the public schools knows this is nonsense. Except in very rare cases—lionized in movies and television precisely because of their rarity—exactly the opposite happens: violence and indifference to education trump learning. I saw something like this happen when a large low-income home for single parents was plunked down in the middle of my children's elementary school district. Within two years, the principal wasn't thinking about the science fair, but about how to keep weapons out of the corridors.

The principal of my daughter's school has become predictably obsessed with school discipline, but I don't think she would join Barnes's civil rights leaders

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A Weekly Journal of Opinion

OCTOBER 20, 1997

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WASHINGTON, D.C.
ISSUE 4,318

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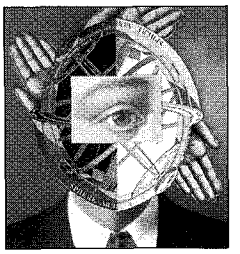

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THE NEW REPUBLIC, Vol. 217, Number 16, Issue 4,318, October 20, 1997. (Printed in the U.S. on October 1, 1997.) Published weekly (except for combined issues dated Jan. 6 & 13, July 14 & 21, Aug. 11 & 18, and Sept. 8 & 15, 1997) at 1220 19th Street, NW, Washington, DC 20036. Telephone (202) 331-7494. The New Republic Advertising Sales Office (212) 702-4882. Yearly subscriptions, $59.97; foreign, $99.97 (U.S. funds); Canada, $84.97 (U.S. funds). Back issues, $3.50 (includes postage & handling).

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(ISSN 0028-6583). Periodicals postage paid at Washington, DC, and additional mailing offices. Indexed in Readers' Guide, Media Review Digest. Microform, Canadian Periodical Index, CD-ROM, issue and article copies are available through University Microfilms Intnl., 300 N. Zeeb Road, Ann Arbor, MI 48106. Telephone 1-800-521-0600. Internet mail address: tnr@aol.com Member, Audit Bureau of Circulations. Unsolicited manuscripts can be returned only if accompanied by a stamped, self-addressed envelope. Subscribers: Please send all remittances, changes of address, and subscription inquiries to Subscription Service Dept., The New Republic, P.O. Box 37298, Boone, IA 50037-0298. For subscription problems call 1-800-827-1289.

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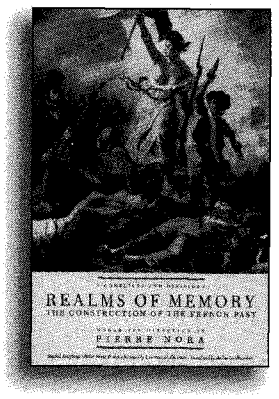

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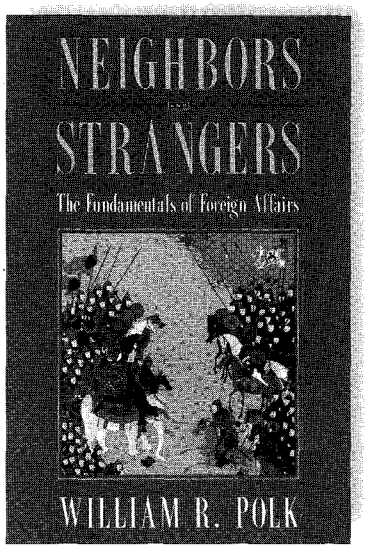

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CORRESPONDENCE

Just did it!

To the editors:

I worked as a consultant to GoodWorks International on the Nike report that Stephen Glass wrote about in his article, "The Young and the Feckless" (September 8 & 15). I accompanied Ambassador Young throughout the fact-finding trip to Hong Kong, China, Vietnam, and Indonesia. We spoke to most of the individuals and NGOs listed in the report. And I am the person responsible for Anita Chan's name erroneously being included on the list of persons contacted. I tried to reach her but never did, and then accidentally included her among those contacted. My mistake. I apologize.

I believe that the ongoing brouhaha about Nike and about the GoodWorks report is a result of parties of good intentions being out of sync. Our job was to see if Nike was living up to its own Code of Conduct and to make recommendations as we saw fit. Critics are furious that the report made Nike look good (though far from perfect) and are picking at the details and "methodology" of the report rather than considering the essence of it. Nike is trying to deal with something that they didn't expect and find hard to accept: that good people and good organizations would attack them for being "the bad guys." They think they are (and they probably are) doing the best for their workers. Nike is surprised that they're the ones being attacked. As a result, they've been put on the defense. But they do want what is right.

We visited the factories and we talked to the critics, to the Nike staff (in the U.S. and abroad), and to the auditors. We talked to human rights groups in Asia (without interpreters). In the factories, we did use their interpreters, whom we trusted (and still do), but we did not need interpreters for what we saw and sensed. We found, " . . . no *evidence* or *pattern* of *widespread* or *systematic* abuse or mistreatment of workers" in these twelve operations. We did find human relations problems and reported them. We did not find human rights violations.

The report made six recommendations that Nike has promised to implement. No one in the human rights community, the labor movement or anyone else who is concerned with the difficulties of integrating a global economy, can say that Nike's agreement—in pub-

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lic and in writing—is not an important and a substantial step forward. We may not have gotten the workers an immediate raise, but now they will know their rights, they'll get better representation, and they'll have a better system for airing their grievances. Nike has agreed to increase its dialogue with its critics and is going to find some reasonable method of "external monitoring."

As a final comment in the report, Ambassador Young said, "Nike is doing a good job in the application of its Code of Conduct. But Nike can and should do better." That's the truth. We gave good, meaningful recommendations and I believe Nike will act accordingly.

DOUG GATLIN
Atlanta, Georgia

More on Zionism

To the editors:

Thank you for "Zionism At 100" (September 8 & 15). It was exceptionally well done, including some fragments of information new to me. I thought I knew it all after fifty years of involvement, first as a Betar member and later as a Zionist Revisionist.

But I have to say your contributors were far from objective, and could have been a little less obvious in their pointed aversion to Netanyahu and their reflection of only the Labor point of view. Can't we leave the vindictiveness of Israeli politics to those who live there?

Also, I would have enjoyed reading more if I could have seen it. Why did you print on such a dark background?

BEATRICE FOWLER
Cocoa Beach, Florida

To the editors:

In the Zionism symposium, Daniel Bell quotes Moses Hess's statement that "[s]ocial institutions like spiritual outlooks are racial creations." To an American raised on the rhetoric of Jefferson and Lincoln, this is a truly bizarre statement. This society was born of ideas of representative democracy and freedom, not as an expression of Englishness or any other racial particularism. The strength of America's core beliefs made it possible to progress.

The State of Israel, by contrast, was born of the idea that the Jewish people would return to their ancestral homeland, an idea with ancient roots in thousands of years of oppression and in messianic belief. In this sense, it was and is a "racial creation." But it should be remembered that Israel was also founded on radical ideas of democracy and social justice. These core beliefs which informed Israel's creation are based on universal truths. They provide equal benefit to any nation that adheres to them.

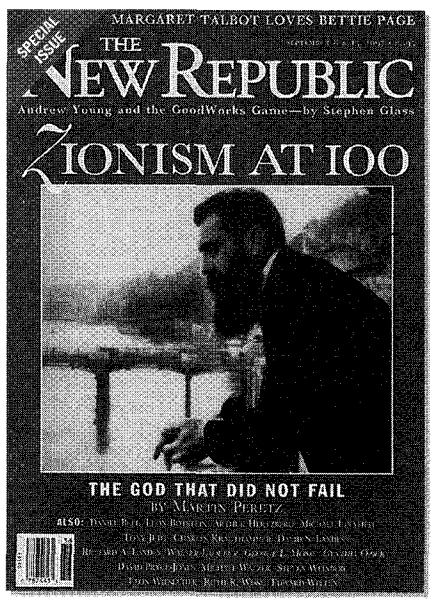
It is very important to remember that when nationalism is placed above principles, the result is self-destruction. Israel should have only enough nationalism to survive and no more. Any excess diverts energy from its higher purpose.

ADAM HOLLAND
Brooklyn, New York

By the numbers

To the editors:

Gary Bass's argument ("Geek Chic," September 8 & 15) that MIT raised the number of women in its student body


SPECIAL ISSUE
MARGARET TALBOT LOVES BETTIE PAGE
THE NEW REPUBLIC
Andrew Young and the GoodWorks Game—by Stephen Glass
ZIONISM AT 100
THE GOD THAT DID NOT FAIL
BY MARTIN PERETZ

"without the usual tricks"—i.e., without affirmative action—is interesting, if true. But there's no reason to believe him. MIT is a private institution, and therefore it is not obligated to provide information about the high school grades and SAT scores of its entering students. And Bass didn't get the goods. His whole article hinges on one sentence: "MIT hasn't offered merit-based scholarships or dumbed down the curriculum, and, according to the admissions office, it hasn't lowered its official entrance standards, either."

According to the admissions office? C'mon. Every admissions office in the country tells students, parents, and reporters that it doesn't lower admissions standards for anybody. But in every case where the data are available—public colleges, for example—groups that are targeted for affirmative action show lower high school test scores and grades than white or Asian students. MIT's efforts to reach out to women are admirable. But I would bet any amount of money that if some enterprising reporter were to dig out the relevant figures—or if MIT would graciously provide them—we would find that the test scores and grades of entering freshmen women are lower than those of men, and that they take less rigorous classes in high school.

Why is this important, given that MIT women outperform men once they get to the famously rigorous campus? Well, it turns the implicit argument of Bass's article on its head. TNR's opposition to affirmative action is well known. The thrust of the article is that colleges can attract women simply through aggressive marketing efforts and that affirmative action is unnecessary. But if MIT is, in fact, practicing affirmative action for women—as surely they are—then what we have on our hands is an affirmative action success story. Since TNR seems to think that no such success stories exist, this might be occasion for reflection about the possibility that *moderate* affirmative-action policies can produce high-performing college students.

Bass may be guilty of credulity, but ultimately the problem is with MIT, not Bass's article. The refusal of college admissions offices to open their policies to public scrutiny serves no purpose and undermines their own efforts to defend affirmative-action policies that work.

CHRISTOPHER SHEA
The Chronicle of Higher Education
Washington, D.C.

To the editors:

The "bad linear algebra joke" in Gary Bass's article is actually just bad linear algebra. If MIT really is teaching its students that one can "cross a scalar with a matrix," then it has much bigger problems than its admissions policies.

JAMES GRIMMELMANN
Cambridge, Massachusetts

Gary Bass replies:

Christopher Shea thought *that* story was credulous? Sure, MIT should open its records to the public; I still feel just fine about my reporting. As for the "implicit argument" that Shea detects, it simply isn't there. I wrote that the failure of other major engineering schools to attract talented women undergrads may mean that MIT's experience isn't easily duplicated. I never wrote that MIT's success with women shows that affirmative action is unnecessary, because I don't believe that. No fair making assumptions about me or TNR unless Shea also thinks that, say, Michael Sandel and Charles Krauthammer are actually ideological soulmates.

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Countries not eligible to sit on the United Nations Security Council:

Israel

Believe it or not, Israel is the only one of the 185 member countries ineligible to serve on the United Nations Security Council, the key deliberative group of the world body. Even Iraq is eligible. So is Iran. And so, too, are Cuba, Libya, North Korea, Sudan and Syria.

Why is it that these seven nations, all cited by the U.S. State Department as sponsors of terrorism, are eligible to serve rotating terms on the Security Council, yet Israel, a democratic nation and member of the UN since 1950, is not?

To be eligible for election, a country must belong to a regional group. Every UN member state—from the smallest to the largest—is included in one of the five regional groups. By geography, Israel should be part of the Asian bloc but such countries as Iraq and Saudi Arabia have prevented its entry for decades.

The UN Charter proclaims "the equal rights...of nations large and small."

But only Israel among all UN members is denied the right to belong to any regional group. As a temporary measure, Israel has sought acceptance in the West European and Others Group (WEOG), which includes not only the democracies of Western Europe but also Australia, Canada, New Zealand, Turkey and the United States. Here, too, despite the support of several countries, including the U.S., Israel still has not been admitted.

Thus, without membership in a regional group, Israel can never be elected to serve a term on the Security Council or, for that matter, to the other most important bodies of the UN system, such as the Economic and Social Council (ECOSOC), the World Court, UNICEF and the Commission on Human Rights.

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His Excellency Kofi Annan
Secretary-General
The United Nations
New York, NY 10017

Dear Mr. Secretary-General:

In you new term of office, you have promised to bring reform to the workings of the United Nations. We look to you to help bring about an end to the discriminatory treatment of Israel, the only *UN member denied membership or participation in a regional* group. Encourage the members of the European Union to accept Israel as a temporary member of the West European and Others Group.

That would signal real reform and leadership.

Thank you.

Sincerely,

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H.E. Ambassador M. Jean-Louis Wolzfeld
Permanent Representative of Luxembourg to the UN
Representative of the Presidency of the European Union
17 Beekman Place
New York, NY 10022

Dear Ambassador Wolzfeld:

We urge all members of the European Union to accept Israel as a temporary member or participant in the West European and Others Group. As you know, Israel is the only country denied membership in any regional group.

Now is the time for the democracies of Europe to demonstrate that democracy means a voice for all nations.

Thank you.

Sincerely,

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H.E. Ambassador Bill Richardson
Permanent Representative of the United States to the UN
799 United Nations Plaza
New York, NY 10017

Dear Ambassador Richardson:

We applaud the efforts of the United States to end discriminatory treatment of Israel at the UN. Israel, as you know, is the only UN member denied participation in a regional group.

As our representative to the UN, please encourage other participants in the West European and Others Group, particularly the members of the European Union who are blocking Israel's participation, to change their position and accept Israel as a temporary member.

Thank you.

Sincerely,

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THE NEW REPUBLIC

OCTOBER 20, 1997

THE McCAIN MUTINY

The more Senator John McCain rounds up support for his bill to reform the financing of congressional elections, the more he has to water it down. Thus, the chances that the legislation will actually accomplish real reform are dwindling. His most significant concession was to drop a section of the bill requiring broadcasters to provide free television time to all candidates who are willing to accept voluntary limits on campaign spending. He may well be right that no bill could have passed if it contained such a provision. But this merely proves how far the campaign finance reform debate has strayed from issues that matter.

The centerpiece of McCain's bill is now a ban on soft money—donations to national parties that are unregulated under the post-Watergate campaign finance laws. But history suggests that regulating the supply of campaign financing will not clean up elections, because both donors and recipients will find ever cleverer ways to evade the limits. This magazine has long advocated instead that reformers concentrate on reducing candidate *demand* for private money by making air time more affordable.

You don't necessarily have to raise more money than your opponent to win a congressional election. You just have to raise enough money to make yourself known and to get your message out. Free television time would lower that threshold. This in turn would allow candidates to spend less of their time putting the arm on wealthy donors, and more time shaking hands with ordinary voters. And it would make Congress that much less beholden to wealthy special interests.

It also happens that free, or at least cheaper, TV time answers the most common objection to campaign finance reform: that the country needs more spending on political speech, not less. Free television time increases the total amount of political speech while lowering its cost.

Opponents of this reform have resorted to arguing that free TV would represent a government imposition on free enterprise—Senator Arlen Specter called it an unconstitutional "taking of property." Appropriately, Specter made this observation on ABC, which, along with its fellow members of the broadcast industry, has been frenetically—and successfully—lobbying against free TV time. Broadcasters have become so accustomed to thinking of the airwaves as their private property that one of them, NBC's Andrew Lack, actually declared last year that he was "cynical about the way campaigns may use that [free] air time"—as if it were up to him to decide what candidates should or shouldn't say.

In fact, the airwaves are a public resource. (Indeed, with Specter's support, Congress recently granted billions of dollars worth of space on the electromagnetic spectrum to the broadcast industry—which sounds like a gigantic *giving* of property to us.) Broadcasters get licenses to use the airwaves for private profit partly in exchange for their promise to devote a certain amount of air time to public purposes, such as news coverage. Free time for political candidates would just be another way for the networks to meet their public-service responsibilities.

Meanwhile, Republicans have also started to insist that any bill banning soft money should also limit unions' ability to contribute money raised from compulsory union dues to political campaigns. The GOP is dressing this up as a defense of worker freedom. "Our political system depends upon one's freedom to participate without even the slightest degree of compulsion," says Senator Don Nickles.

In reality, the GOP's proposed restriction on unions is a transparent Republican effort to scuttle McCain's bill by larding it with an amendment that Democrats will never accept. Also, it's unfair on the merits. The Supreme Court has held that workers subject to mandatory union dues are entitled to demand a refund of that portion of their dues which the union spends on politics; McCain's bill sensibly requires that workers be notified that they have this right. Nickles, however, wants to forbid unions from donating any money to campaigns

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unless every worker, including those who are paying dues voluntarily, first provides a written waiver of his or her right to a refund.

This is no more fair than forbidding corporate political action committees from donating money to candidates without the permission of every single shareholder. Unions are voluntary organizations, and, as such, they have every right to spend membership dues to advance their perceived interests in any way they see fit, including by supporting friendly political candidates. If they couldn't do that, then they would constantly face the free rider problem: members would withhold dues whenever they wanted, while still enjoying whatever benefits accrued from the dues-paid political support the union gives to candidates. If dues were voluntary, anyone who paid them would be a sucker.

If we understand the Republican position on campaign finance reform correctly, it seems to be that more political speech is always good, unless it happens to be speech paid for by a union, or speech made in a way that imposes any unwanted costs on any of America's gigantic broadcasting corporations. •

NOTEBOOK

REACH OUT AND TOUCH SOMEONE: Say what you want about Bill Clinton, at least he doesn't hold a grudge. How else to explain the welcoming phone call he placed last week to Betsy McCaughey Ross, lieutenant governor of New York, upon hearing that she was ditching the Republican Party and becoming a Democrat? Ross, you might recall, launched her political career by writing a couple of famous (or, depending on your point of view, infamous) articles in TNR that helped kill Clinton's health care plan a few years ago. Among her contentions: that Clinton's plan could result in jail time for doctors who practiced outside of federally administered programs. Once even a frosty phone chat between Clinton and Ross would have been unimaginable, let alone a cordial one. The administration blasted her National Magazine Award-winning work as "deliberately inaccurate," "ridiculous," and—in the words of the plan's chief architect, Ira Magaziner—"unconscionable." But it looks like that's all water under the bridge. "The president said he was glad I was making the decision and that it was the right decision," an ebullient Ross told TNR. "He was warm and gracious and I was very honored by his call." As for her articles, Ross says she still stands by them, and she is "looking forward to working with the president and his administration to protect the quality and expand the availability of health care." They'll make quite a team.

REACH OUT AND TOUCH YOURSELF: When former Surgeon General Joycelyn Elders was drummed out of the Clinton administration nearly three years ago for suggesting that "masturbation perhaps should be taught" in schools, we figured that was probably the last we'd be hearing from her—and certainly the last we'd be hearing from her on that particular subject. But now comes word that Elders is writing a book called *The Dreaded M Word*. With her friend and coauthor, United Methodist minister Barbara D. Kilgore, Elders hopes to "get rid of the myths and lies" that surround masturbation, as she put it in an interview with *The Washington Times*. For her part, Kilgore tells TNR, "It's not a how-to manual.... We don't have anything new on masturbation. We didn't do any basic research. We've just taken what people—like scientists and other experts—have done and we've brought it together in a little book that can be easily read by average folk." Although Elders and Kilgore have yet to sign with a publisher, the potential audience for their book, which they hope to finish by Christmas, should be huge. As Kilgore notes, "Everyone touches themselves some way or another."

THE BELEAGUERED MIDDLE CLASS: "Mr. Speaker, I will tell you something: Members of this House have families. They have two homes, in most cases. Some members are living in their offices, because they cannot afford a second residence.... I am not making excuses or apologizing, it is difficult to raise a family and serve in Congress under these conditions.... [My] wife and my children sacrifice enough."
—Congressman Tom DeLay, who currently earns $133,600 a year, advocating an "inflation adjustment" for members of Congress.

DOUBLE-TALKING HEADS: PBS's attempt to inoculate itself against Republican attacks has taken an interesting, and ironic, turn. Not only are some members of the conservative chatterati actually appearing on government-funded programs—David Frum and David Brooks serve up commentary on National Public Radio, for instance—they're even starring in a new series on PBS television. "Yes, this *is* PBS," declares an ad in *The Weekly Standard* for "National Desk," a new three-part series featuring the likes of Fred Barnes, executive editor of the *Standard* (and a former TNR editor), and Los Angeles talk radio host Larry Elder. Barnes and Elder are using the platform to discuss some worthy topics, in a serious and substantive manner that would never make it on the ratings-conscious, profit-motivated networks or on cable. So has Barnes, who in 1995 glowingly referred to Newt Gingrich's "talk[ing] boldly" of "eliminating" the Corporation for Public Broadcasting, now changed his mind about the venerable institution conservatives love to hate? "No, that's not the way I think American life should be run," he grumbles, while freely conceding that his show on divorce and children would have no chance in the private market. Frum is equally unrepentant; he insists

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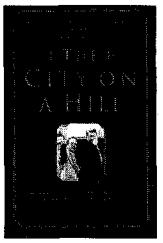

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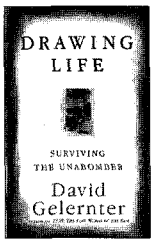

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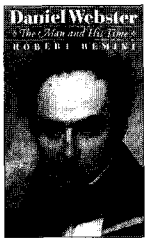

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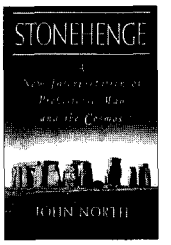

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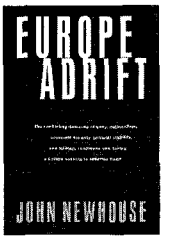

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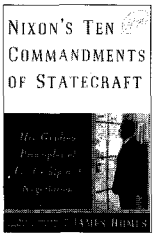

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by James Humes
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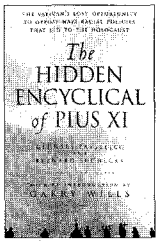

The Hidden Encyclical of Pius XI
by Georges Passelecq and Bernard Suchecky
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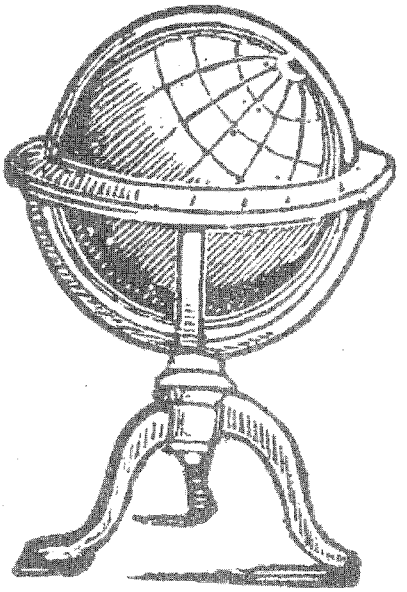

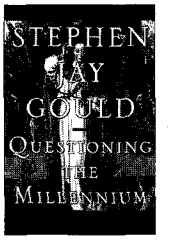

Questioning the Millennium
by Stephen Jay Gould
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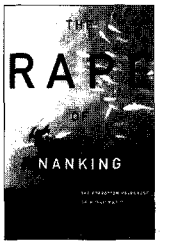

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that government money is a "handicap," even though NPR "lets me say what I want to say."

VOUCHER VULTURES: Government-subsidized vouchers for private school tuition have long been a favorite Republican panacea for America's ailing public schools. And since no big-city school system is sicker than the one in the dysfunctionally governed District of Columbia, it was not surprising that Senator Dan Coats of Indiana recently proposed giving vouchers to about 2,000 D.C. students. The only problem is that the vouchers are only worth $3,200, and $3,200 doesn't go very far in Washington's pricey private school market. Since the courts probably won't allow public money to be spent on the generally more affordable parochial schools, the vouchers would only be good at nonreligious private schools. And as a *Washington Post* article reported last week, those schools charge about $11,000 for tuition. A high-school education at Sidwell Friends, from which Chelsea Clinton recently graduated, costs a cool $14,735 per year. Still, as an aide to House Majority Leader Richard Armey told the *Post*, there are some secular schools in the Washington area that do charge less than $3,200. The schools on Armey's list? A couple of Afrocentric academies known as Roots Activity Learning Center and the Nation House of Watoto. •

Statutory rape's dubious comeback.

JAIL BAITING

By Catherine Elton

When a Wisconsin prosecutor charged 19-year-old Kevin Gillson with sexual assault for impregnating his 15-year-old girlfriend, it was widely seen as a case of prosecutorial discretion gone awry. "The insanity of this so-called abuse prosecution speaks for itself," the *St. Petersburg Times* editorialized. Noting that Gillson's name would be entered into a national registry for sex offenders even though he planned to marry his girlfriend and help raise the child, *The Milwaukee Journal Sentinel*, like many observers, pleaded "for judicial mercy."

But while the Gillson case was extreme, it was nonetheless emblematic of a new trend: fighting teen pregnancy through tougher statutory rape laws. In the past two years, California, Delaware, Florida, and Georgia have all passed new legislation beefing up existing laws prohibiting sex with girls under the age of consent. In his State of the State address, Republican California Governor Pete Wilson declared, "It's not macho to get a teenager pregnant, but if you lack the decency to understand this yourself we'll give you a year to think about it in county jail." Over the past two years, Wilson has dedicated $8.4 million to the Statutory Rape Vertical Prosecution program, which now boasts 827 convictions. (Prior to this, one California official told me, prosecuting statutory rape "just wasn't happening.") The federal government has jumped on the bandwagon, too: the 1996 Welfare Reform Act contained a provision calling for states to "aggressively enforce statutory rape laws," while the attorney general has called the issue a "high priority."

The trend's genesis lies in a handful of studies, published two years ago while the nation was knee-deep in the welfare reform debate, which revealed that as many as two-thirds of teenage girls who became pregnant did so by adult men. As the two-thirds number became famous, politicians suggested what they thought was an obvious remedy: prosecute the "predatory males," not merely to set an example but also to keep them from striking again. But applying this theory has proven far more difficult than the politicians ever imagined. There are clearly cases in which relationships between older men and younger women are inappropriate, but determining which relationships fall into that category requires moral judgments about which Americans are sincerely, and deeply, divided. Even in the most egregious cases, criminalizing the behavior may be too extreme a response.

To understand why, go back to the studies for a moment. They did not really show—as many politicians seemed to think—that there was an epidemic of older men preying upon school-aged girls. According to a recent study by the Urban Institute, a well-respected authority on these matters, 62 percent of teen pregnancies (births to 15- to 19-year-olds) involve 18- or 19-year-old mothers. What's more, only 27 percent of babies born to girls who are 15, 16, or 17 are fathered by men at least five years older; 23 percent of the pregnant 15- to 17-year-olds with partners five or more years older are married when they give birth. The Urban Institute concluded that "only 8 percent [of teen pregnancies] involved unmarried women aged 15 to 17 and men who were at least five years older," and that only 13 percent of all pregnancies to unmarried 15- to 17-year-olds are fathered by men at least four years older.

Even within this small group, prosecutors are finding it hard to get convictions, for it's often not clear whether the girls are really "victims." "Juries have trouble with these cases because they think teenagers lie, they think she manipulated him, and jurors think she looks older," says Sharon Elstein, coordinator of a forthcoming American Bar Association study on the issue. "They wonder why the court is wasting its time."

While the relationship between, say, a 15-year-old girl and a 21-year-old man may strike a prosecutor as inherently coercive, it doesn't instantly resonate as criminal among a jury of peers. "When you meet the 20-year-old and the 13-year-old you are surprised," says Mike Males, an author of one of the first studies to pin-

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point the two-thirds figure. "Thirteen-year-olds are portrayed as gum-chewing, braces-wearing twits and the 20-year-olds are supposed to be more mature. Very often this is not the case."

Of course, many times the girls don't see themselves as victims, and this is enough to scare off many prosecutors: it's hard to convict when the victim blows kisses to the defendant or leaves the courtroom holding his hand. But the ABA found that one-quarter of prosecutors it surveyed would pursue action regardless. Rick Trunfio, an assistant district attorney in Syracuse, New York, is one such prosecutor: he had been aggressively taking on these cases even before it became fashionable in the media. In a community of 500,000, his office prosecutes 100 to 150 cases per year; 80 percent of the time, he wins some kind of a conviction (sometimes to a lesser crime). Not prosecuting because of uncooperative victims is, in Trunfio's eyes, a "cop-out." "That's what subpoenas are for," he says without hesitation, noting that he's willing to subpoena not just a victim but her diaries and her love letters, too.

Trunfio and other zealous prosecutors liken their cause to the fight against domestic violence. There was, after all, a time when society would refuse to prosecute a man who beat his wife because the victim did not want to cooperate. But in some teen sex cases, it's probably more appropriate to encourage the "victim" to marry the older male—and get out of her parents' unstable home—than to prosecute the father. During the summer of 1996, for example, in Orange County, California, social service workers and a juvenile court even recommended a pregnant 13-year-old marry her 20-year-old boyfriend because it provided more stability than her current lifestyle of skipping school and abusing drugs. "We are hearing these guys are exploitative, opportunistic predators," says Elstein, "but it's not all like that. Sometimes this is the best thing that's ever happened to her."

Perhaps, as Trunfio argues, there is something inherently exploitative about a relationship between an older man or boy and a young teenage girl. But advocates for teen mothers also worry that, if the state really begins to crack down on statutory rape, girls will stop coming in for prenatal care because they fear somebody might report their boyfriends.

And then, of course, there is the concern about disproportionate punishment for men. Since statutory rape is a sex crime, many of those convicted must register as sexual offenders. But is it really fair to lump a 20-year-old who got a 15-year-old pregnant together with child molesters? As a political rallying cry, prosecuting statutory rape offered politicians a chance to attack a modern-day problem with a traditional sounding solution. As a remedy for teen pregnancy, however, the crusade against statutory rape is not only impractical, but it often has a far different impact than intended. "[T]hanks to the court system," Gillson's young fiancée said in a statement read into the court record, "I have lost the love of my life and the father of my unborn baby."

CATHERINE ELTON is a former TNR reporter-researcher.

ON THE HILL

KICKED OUT

By Stephen Glass

Gitendra Latken says he did something last week that he never thought he'd do: he bought a one-way ticket to Bombay. "I've just begun to pack my things," explains the slim 32-year-old, his voice thick with emotion. "I haven't been back since I left there when I was 17. Except for my honeymoon to Canada, I haven't left the U.S. for, oh, fifteen years." Since 1982, Latken and his wife have lived in the Washington, D.C., area under a series of student and work visas. Then, last winter, the lawyers at each of their companies (they are both software programmers) told them they were eligible to become permanent residents.

But Latken's firm filed his paperwork incorrectly. While his wife and American-born daughter can stay, Latken, who has been living illegally in suburban Maryland for the better part of 1997, must leave. "Look, I can't stay here—it's against the law, but I don't know what I'll do," Latken says. "I don't know anyone in India; my family is all dead there.... [When I return,] my baby will be much older."

For years, clerical mistakes like the one Latken's attorneys made were expensive to correct, but did not lead to deportation. Under section 245(i) of the Immigration and Nationality Act, illegal immigrants who are eligible for immigration have been able to pay a $1,000 fine and remain in the U.S. until their paperwork is properly completed—a process that can take six months or more. But 245(i) is set to expire on October 23, and when it does, immigrants like Latken can only apply for legal status through American consulates overseas—meaning they have to emigrate to immigrate.

This summer, most immigration lawyers just assumed that Congress would reauthorize the clause. "This is not about *if* they become legal or *when* it happens," explains Judy Golub, a director at the American Immigration Lawyers Association. "It's all about *where*. Does it happen here in the U.S. where they already are, or do they have to go back to their homeland in order to get here?"

Sure enough, early this summer the Senate voted to extend 245(i) indefinitely; the White House, too, has endorsed it. But in the past few weeks, Texas Congressman Lamar Smith and a handful of other House Republicans, angry over illegal immigration, have convinced many of their colleagues to block 245(i)'s reapproval. "It rewards illegal immigrants for their illegal behavior,"

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Smith told reporters. Some of Smith's colleagues have vowed to vote against the entire appropriations bill that funds the Justice, Commerce, and State departments—if, as is expected, it includes the 245(i) provision.

That's a serious threat. Analysts say the appropriations vote is likely to be close and the GOP won't be able to sustain even a few Republican defections. Annoyed that such a minor clause could take down the bill, Gingrich dispatched aides last week to try to hammer out a compromise. "We don't want this to look too big," said a congressman supporting Gingrich. "If it becomes all the headlines, we could lose the appropriations bill and once again annoy Hispanic voters by looking anti-immigrant." But the meeting turned sour within fifteen minutes. There was "lots of yelling," explained a legislative director who attended the meeting. "It was ugly. There doesn't seem to be much of an agreement."

Oddly, Smith has gotten this far not because members of Congress dislike 245(i), but because virtually none of them actually understand it. Asked to explain the opposition to 245(i), fourteen of the fifteen senior Republican legislative aides I called gave me answers implying that these immigrants were draining the country's welfare resources and stealing jobs from American workers.

But that's not at all what section 245(i) does. Simply put, section 245(i) streamlines the immigration bureaucracy. For years, immigration has generally been a three-step process. First, foreigners must be certified by INS as being eligible for immigration. Among other things, this means the would-be immigrant has to prove he either has lined up a job or has a close relative living in the U.S. Second, the immigrant must wait until the State Department tells him it's his turn to apply for immigration. At that point, the immigrant formally files an application with the INS for a green card.

Originally, immigrants could complete this last step only at overseas consulates. But, not surprisingly, immigration studies found that having to leave the country often discouraged illegal aliens from ever applying. So, in 1994, Congress approved Section 245(i) to allow illegal immigrants who have been okayed by the INS, and who have been notified by the State Department that their turn to apply has come up, to file without leaving the country. The only cost to the immigrant is a hefty fine, which is often paid by an employer. INS spokeswoman Elaine Komis says the agency expects to collect more than $200 million in fines this year. Ironically, this money has allowed the INS to get *tougher* on illegals. This year's revenue, for instance, is earmarked to pay for more than 1,000 detention beds—enough room to detain 10,000 illegal immigrants annually.

What makes undermining 245(i) even more troublesome is last year's Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). That law said that anyone who has been in the U.S. illegally for more than 180 days and leaves for any reason—even to finalize immigration paperwork—cannot reenter the country for three years. As a result, even if the U.S. approves Latken's immigration within a few weeks of his return to India, he won't be able to come back until 2000. Worse, if he waits until spring to return to India—as his company had hoped he would—IIRIRA prohibits him from coming back to the U.S. until 2007.

Smith dismisses cases like Latken's, which have circulated in letters among congressmen. "Illegal aliens are responsible for violating the law and are responsible themselves for the consequences of their own actions," he responded in a "Dear Colleague" letter sent around the House. But not everyone in his party is as unconcerned about offending Hispanic voters, many of whom oppose the party's immigration policies. On September 29, hours before 245(i) was set to expire, Gingrich personally intervened and pushed the House to approve a temporary extension until October 23.

Few members, though, think that the House will reauthorize the measure; if they don't, it's unclear if the Senate, which voted 99 to 0 to extend 245(i), can do anything about it. Meanwhile, businesses like the one Latken worked for are anticipating 245(i)'s demise. The day after the temporary extension was approved, Latken's employer canceled a software project that Latken was supposed to lead. His seven programming assistants, all of whom are either American citizens or legal immigrants, were told to begin looking for new jobs. •

The folly of fighting the marriage tax.

PENALTY BOX

By Jonathan Chait

The lonely, thankless task of the tax cutter never ends, and House Republican sophomores have taken up the burden once again. This time their target is the "marriage penalty"—that is, they are pledging to make sure the two partners in a married couple will never again owe more taxes than they would have if each had remained single. Fiscal conservatives like this idea (it's anti-tax!), social conservatives do too (it's pro-family!), and a bill is likely to appear next year. But while these Republicans are entitled to some righteous anger—it *is* unfair that some people pay higher taxes because they're married—the proposed alternative would create new problems far worse than those it purports to solve. Understanding why requires understanding a little history and math; the Republicans, it seems, aren't very adept at either.

First, the history. Originally, the income tax did not take account of marriage at all: husbands and wives simply filed separate individual tax returns. As a result, the tax code neither rewarded nor penalized marriage, which seemed fair enough on the surface. People shouldn't make such life decisions for tax reasons.

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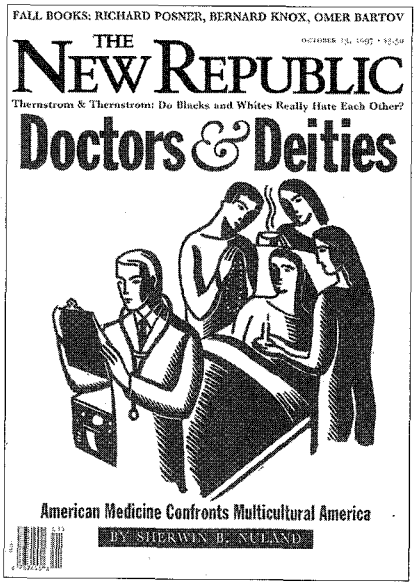
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But this policy caused some anomalies: for one thing, different couples with the same total income paid different taxes. Imagine two couples, the Smiths and the Joneses, each earning $100,000 a year. Mrs. Smith earns $80,000, Mr. Smith $20,000. Mr. and Mrs. Jones earn $50,000 each. If all four earners paid taxes as individuals, the Smiths would wind up with a steeper tax bill than the Joneses, since more of their collective income would make it into a higher tax bracket. That, of course, is unfair. The Smiths shouldn't pay more taxes than the Joneses simply because their family income is divided up differently.

That inequity, in turn, spawned a new unfairness of its own. Couples always had an incentive to shift income from the higher-earning spouse to the lower-earning spouse. That wasn't an easy trick to pull off for couples who got most of their income from wages. But those who earned substantial investment income routinely took advantage of the situation. All they had to do was transfer title to their stock funds and real estate holdings to the lower-paid spouse (usually, the wife). That meant that families with investment income—who tended to be wealthier, just as they do today—got bigger breaks than families who lived off their paychecks. It also meant that a family's income tax burden largely depended on its capacity to hire a clever tax lawyer.

Underneath these inequities lay one common and flawed premise in the tax code: an assumption that spouses do not share income. In 1948, Congress decided to rectify that—it changed the law so that every family would pay twice the income tax on half its total income. In other words, a family earning $100,000 would pay twice the income tax of a single person earning $50,000, which works out to be less than the tax burden on a single person earning $100,000. (Since the income tax is progressive, with higher rates for higher income, the tax on $100,000 is more than twice the tax on $50,000.) Finally, the Smiths and Joneses were on an even plane.

But now singles felt cheated. The law allowed two income earners who got married to move into a lower tax bracket, and thus lessen their tax burden, while singles were stuck at the higher rates. Once more, Congress tried to set things right—this time by enacting a compromise between married couples and singles. As part of a broader tax overhaul in 1969, Congress reduced the tax disadvantages of living single and, for the first time, introduced some negative tax consequences for certain married couples. That system is still in place today, and it works like this: married couples in which one partner makes much more than the other actually get a "marriage bonus." But those spouses who make about the same as each other get a penalty.

At first, nobody much worried about the penalty—it only hurt about 15 percent of families. But since then millions of women have entered the workforce, and these days the women are making almost as much as the men. This social revolution, which few foresaw in 1969, had the effect of increasing the proportion of married households in which the two partners make about the same amount of money—and that meant more and more couples started paying the marriage penalty. Today, about two-thirds of all married couples pay it.

Society may decide that penalizing so many married couples is not a good thing. If so, there's a very easy way to fix the problem again: go back to the pre-1969 system, which penalized single people instead. In effect, Congress would be striking a new (or, in this case, old) compromise between the interests of married people and single people—one tilted toward matrimony.

Ah, but that's not what the Republicans propose to do. Their scheme is to keep the current system but give married people the option to file as single taxpayers. Although this would end the marriage penalty, it would keep the penalty on singles and return us to the days before 1948—the days when wealthy taxpayers with good accountants could escape their tax burden. (The Republicans! Who could have guessed?)

But isn't there a third way to eliminate the marriage penalty that doesn't cause any complications? Actually, no. This is where the math comes in. It is an arithmetic impossibility to have a tax code that meets all of the following three conditions: first, that all married couples of a given level of income pay the same taxes; second, that nobody pays more or less income tax because they're either married or single; and, third, that the system charges higher marginal rates for greater income. If you're willing to take my word for it about the math, you might want to skip the next paragraph. If not, here goes.

Consider four cases:

1) A married couple, in which one spouse earns $80,000 and the other earns $20,000.
2) A married couple in which each spouse earns $50,000.
3) Two single people, one earning $80,000 and the other earning $20,000.
4) Two single people, each earning $50,000.

If all households of equal incomes must pay the same taxes, then the tax on the couple in Case 1 must be the same as the tax on the couple in Case 2. If the tax code is neither to encourage nor to discourage marriage, then the tax on the couple in Case 1 must equal the tax on the two singles in Case 3, just as the tax on the couple in Case 2 must equal the tax on the two singles in Case 4. Logically, then, the tax in Case 3 must equal the tax in Case 4—that is, the combined tax on two singles, one of whom makes $80,000 and the other of whom makes $20,000 must equal the combined tax on two singles who each make $50,000. But that can't always happen under a progressive tax code. If $20,000 in income and $50,000 in income are taxed at a lower rate than $80,000, then the couple with two $50,000 earners should pay less total tax than a couple that includes an $80,000 earner.

So instead of achieving some of the goals of tax equity and compromising others, the Republicans' proposal would sacrifice all of them. It would add more loopholes and complexity and unfairness—the very reasons Republicans cite to abolish the tax code. Hmm. •

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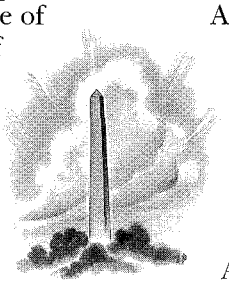
WASHINGTON SCENE

CON GAMES

By Jacob Heilbrunn

The lobby of Washington, D.C.'s Renaissance Mayflower Hotel was decked out in patriotic kitsch as hundreds of delegates gathered for the first-ever International Conservative Congress. Just outside the hotel ballroom, where the main events of the congress were to take place, a long table stood draped in handmade red, white, and blue elephant-shaped doilies. Behind the table, a stout, beaming woman wearing a floppy red felt hat was hawking an array of American flag earrings.

But none of these displays was as portentous or emblematic as the easels positioned just next to the ballroom door. Spread out across the easels was the lengthy, blue, block-lettered text of "A Statement of Conservative Principles." "The soft, bureaucratic Left now in power," the statement said, "... offers the hectoring rule of professional elites, rear-guard defenses of statism, special legal privileges for the few, moral degradation, and the erasure of national memory. We pledge today to rededicate ourselves to our great cause. And thereto, we sign our names."



For the organizers of this conference—the American Enterprise Institute, the Heritage Foundation, the Hoover Institution, the Claremont Institute, and *National Review*—the Statement of Conservative Principles was intended as nothing less than a Mayflower Compact for the conservative movement. Just like the Pilgrims, today's conservatives feel the need to make a new deal among themselves precisely because their once-harmonious movement has descended into discord.

Perhaps the most hotly contested topic at the congress was the fledgling insurgency by self-described National Greatness Conservatives, a group of young neoconservatives associated with Rupert Murdoch's *Weekly Standard*, who are laying claim to the legacy of Ronald Reagan. The earliest articulation of their case was made in a 1996 *Foreign Affairs* article titled "Toward a Neo-Reaganite Foreign Policy" by Dan Quayle aide-turned-editor William Kristol and former Reagan administration State Department official Robert Kagan. A year later, Kristol elaborated on the budding ideology again—this time with fellow *Weekly Standard* scribe David Brooks on the op-ed page of *The Wall Street Journal*. "What Ails Conservatism?" Kristol and Brooks inquired. Hijacking conservative apostate Michael Lind's call for a new liberal nationalism, Kristol and Brooks urged that conservatives incorporate progressive American nationalists into the conservative pantheon—Alexander Hamilton, Henry Clay, and Teddy Roosevelt. "How can Americans love their nation if they hate its government?" Kristol and Brooks wondered.

The response from small-government traditionalists, led by writers from *National Review's* orbit, was swift. "No aspect of our lives has escaped assault by government," supply-sider Paul Craig Roberts wrote in *The Washington Times*. "The Constitution of the United States has been reduced to a scrap of paper." The ubiquitous Laura Ingraham, a CBS news analyst, and attorney Stephen P. Vaughn added "conservatives must reject this warm and fuzzy notion of the federal government." Writing in *The Wall Street Journal*, Virginia I. Postrel, editor of *Reason* magazine, and James K. Glassman, a fellow at AEI, restated the libertarian creed: "Americans don't need to concoct grand national struggles merely to prove their mettle. They prove it every day, in their own private pursuits." And for good measure, the October 13 *National Review* harrumphed, "our usable past won't all fit into a be-happy Op-Ed piece."

The Mayflower Hotel conference, of course, was supposed to resolve this and other quarrels. The opposite happened. Kristol railed against what he called "the anti-American temptation and the anti-government temptation." He chastised the journal *First Things* for likening America to Nazi Germany because of abortion rights; he called for a new and more assertive foreign policy that struck many in the audience as a revival of turn-of-the-century imperialism. In a rebuttal speech, John O'Sullivan, the British editor of *National Review*, wittily but condescendingly informed Kristol that the days of imperialism are over. "You can't scramble for Africa or invade Abyssinia today," he said to laughter from the assembled delegates. Indeed, even a retiree from Florida named Nick was left scoffing. "We've got to get rid of that midget Kristol," he told me as we chewed our rubber chicken at lunch. Another delegate told me that the matchup between O'Sullivan and Kristol showed, "the difference between having worked as an adviser to Margaret Thatcher or Dan Quayle."

In another part of the hotel, the attack on Kristol continued in the form of a debate between Samuel Francis and David Frum. Francis, an extreme supporter of Patrick Buchanan, has never trimmed his views—how many other pundits can claim to have been forced to resign from *The Washington Times* for being too right-wing? (Francis says he was pushed out over his opinions on racial issues.)

Sweating profusely, the plethoric Francis, looking eerily like Drew Carey in his horn-rimmed glasses and crew cut, resembled a liberal cartoon of a conservative—and performed accordingly. He and Thomas Fleming, a classicist and editor of *Chronicles*, a journal of confederate nostalgia, despise the neoconservatives as opportunistic New Yorkers who have stolen the conservative movement. Kristol's question of how can conservatives hate

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the government, Francis announced, "is a sentiment worthy of Leonid Brezhnev." Francis's antagonist, David Frum, son of a Canadian tycoon and writer for *The Weekly Standard*, suggested that the GOP needed to court America's rising entrepreneurs rather than pursue the allegiance of the lower middle class, as Francis had argued.

Next it was the neoconservatives' turn to devour somebody, and they chose one of their own: Glenn Loury, a professor at Boston University (and a TNR contributing editor). At an afternoon symposium on affirmative action, Loury exuded mournfulness as he retreated from his earlier opposition to racial preferences and enunciated a more moderate approach. Dressed in a dark suit and speaking in deliberate, almost pained, tones, Loury called for government action to integrate schools and police forces, and to devote special attention to education and training for young blacks.

Midge Decter was not amused. After she expressed her exasperation with Loury's proposals, Loury shot back, "I say to you" we need to think about programs, "and you say 'aid and comfort to the enemy.' " Soon Decter's husband, Norman Podhoretz, who had been shifting impatiently in his chair, offered an outburst of his own. Pointing furiously at Loury, he announced: "I much prefer the old Glenn Loury to the new one." "I know," Loury said, almost inaudibly. Podhoretz persisted. Loury, he barked, was being "disingenuous." Loury bristled, telling Podhoretz that he might be naïve, but he took offense at the word disingenuous. Podhoretz shouted, "You were one of the most eloquent critics of affirmative action.... I'm offended by your refusal to see that!" "Those are my people going down the sewer hole with your no-programs," Loury retorted. The audience groaned, and order was restored only after Ward Connerly, the architect of California's anti-affirmative action Proposition 209, intervened. "Glenn is a member of our family," Connerly remarked. "Nine times out of ten I've been there before" with liberal audiences laughing. Loury, he concluded, has earned the right to be at the congress.

By the time this congress ended, the only person who still seemed capable of eliciting everyone's support was the Iron Lady herself. A hush descended on the assembled conservatives when Lady Thatcher—followed by her retinue—slowly walked into the meeting's final session, which was held in the chandeliered Cannon Caucus Room of the Cannon House Office Building. The occasion was the unveiling of a Mark Balma portrait of Thatcher and Reagan, standing together on the South Portico of the White House, their arms grandly outstretched toward the horizon. After an introduction from Dick Armey, Thatcher spoke in elegiac tones—in the past tense—about "Ronnie's vision of the future." But her oration, rich in anecdotes about the glory days of the old, united right, seemed only to demonstrate how quickly conservatism has gone from ideological confidence to doctrinal confusion. Back at the Mayflower, hardly anyone had signed the sponsors' Statement of Conservative Principles. •

Appeasement at the Smithsonian.

EXHIBITING BIAS

By Jason Zengerle

The Smithsonian's Museum of American History plans to unveil an exhibition on America's sometimes shameful history of exploiting immigrant labor next April. The centerpiece will be a recreation of the awful El Monte, California, sweatshop that authorities shut down two years ago. But if American clothing manufacturers get their way, the exhibit will never open. Although the Smithsonian hoped to appease apparel makers by watering down the exhibition's message, the industry still isn't happy. And now it is pressuring the Smithsonian and Congress—which gives the institution about 70 percent of its annual budget—to cancel the exhibition. "We'll turn this into another *Enola Gay*," vows Ilse Metchek, executive director of the California Fashion Association.

That's a reference to the Smithsonian Air and Space Museum's planned exhibition to mark the fiftieth anniversary of the atomic bombing of Hiroshima, which was scuttled three years ago after heavy pressure from veterans' groups who objected to its purported pro-Japanese slant. Before the *Enola Gay* debacle, the Smithsonian's leadership could be counted on to resist any outside criticism that seemed to threaten the institution's intellectual integrity. These days, however, the Smithsonian is perceived by both outside critics and some staff as more likely to succumb to ideological pressure.

Critics of the Smithsonian's new order place the blame on Michael Heyman, who, in 1995, shortly after he began his tenure as secretary of the Smithsonian, scrapped the original *Enola Gay* exhibition text and forced the resignation of the Air and Space Museum's director. Through a spokesman, Heyman defends his record, noting that the staff of the Smithsonian—a cultural empire comprised of sixteen museums, the National Zoo, and five research centers—does not have the same claim to academic freedom that a university faculty does. If a professor writes an article, he is generally not considered to be speaking for his college; by contrast, a museum exhibition is taken as a reflection of an institutional view. Still, to fulfill its charter, which calls on the institution to work for the "increase and diffusion of knowledge," the Smithsonian must grant its curators *some* degree of intellectual independence. And in the absence of vigorous leadership, the institution risks becoming prisoner to a conservative version of political correctness that favors celebration over interpretation.

Heyman, a former law professor and chancellor at the

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University of California at Berkeley, has responded to this threat by courting more private-sector money, which presumably comes with fewer political strings attached. The Smithsonian now grants corporations more recognition for sponsorship, allowing them to display their logos at exhibit entrances and, on occasion, giving them floor space for promotions. In addition, the Smithsonian has pursued what it hopes will be profit-making ventures: this year it struck a deal with the company NOVUS to launch the Smithsonian Card, an affinity credit card that provides the Smithsonian with a portion of every purchase charged to it. The Smithsonian has even signed an agreement with the venerable Creative Artists Agency (CAA), which has been assigned to generate ideas for TV shows and movies that can carry the Smithsonian name.

Such private-sector involvement isn't entirely new. Corporations have sponsored Smithsonian exhibitions for years. Usually they are high-quality presentations and—as Heyman says—sponsors cannot dictate their content. But, inevitably, increased reliance on private funds will lead the Smithsonian to develop exhibitions that corporate America finds nonthreatening. Right now, a showy, popular culture exhibit on the birth of rock and roll is languishing in development at the Museum of American History. This might seem like a natural for sponsorship by the record industry. But because it emphasizes the politically charged story of collaboration between black and white musicians in the segregated South of the 1950s, no corporate sponsors have yet come forward.

Smithsonian administrators say the revenues generated by their new business ventures will help strengthen segments of the institution, such as basic research, that would otherwise suffer for lack of funding. "We'd love to consult on a project like *Apollo 13*, a solid film that did well [at the box office]," says Mark Pachter, the Smithsonian administrator directing the CAA initiative. "Then the money we received could benefit some of the more obscure projects here." But more money won't address the more fundamental problem—the institution's lack of backbone. The Smithsonian's leadership has not directly told curators to avoid certain topics, nor has it declared a ban on challenging or unpopular exhibits. But several curators told me such measures haven't been necessary. Feeling undefended by Heyman, some curators are censoring themselves. "There's a lot of stuff we can't even touch," complains one. "That forces us to take a selective view of history."

Indeed, conservative critics now sense that they have the upper hand and refuse to compromise, even when curators offer to meet their concerns. After all, curators went out of their way to anticipate the clothing industry's criticism of the planned sweatshop exhibition. They agreed to include an explanation of the competitive pressures faced by U.S. clothing manufacturers and a discussion of the correlation between sweatshops and mass immigration. They invited trade groups to contribute displays of "good industry practices"; they even provided space for a videotaped statement explaining industry's position on sweatshops. None of that worked.

Heyman has since said that he does not intend to rework the exhibit, but there's reason to be wary of such promises. Consider what happened this summer, when *The New Criterion* ran a lengthy piece called "Revisionist Lust: The Smithsonian Today." Writer Heather MacDonald bashed a handful of harebrained curatorial decisions—most notably the temporary placement of labels warning visitors about racist, sexist, or anthropocentric animal exhibitions in the Museum of Natural History. But many of the cases she cited were either not new or actually quite defensible. MacDonald took on one exhibition at the Museum of American History for its rather anodyne observation that late eighteenth-century Philadelphians "continued to assume that women of both races would and should be dependent on men." She ridiculed as "a paean to sensitivity" an Air and Space show that promoted a female aerial acrobat as a role model for young girls interested in flight; and she read "smirking irony" and "implicit scorn" in any exhibit label that contained the phrase "Americans believed."

The article prompted Republican Senator Spencer Abraham of Michigan to circulate a "Dear Colleague" letter to other Senators slamming the Smithsonian's left-wing bias. In his response to Abraham criticizing the MacDonald article, Heyman tried to walk a fine line between sticking up for his Smithsonian staff and placating one of the people who controls his institution's funding. "It is my opinion that Ms. MacDonald has overlooked our accomplishments and chosen to focus almost entirely on negative items about the Smithsonian," he wrote. Some at the Smithsonian saw the letter's reference to "negative items" as overly defensive and felt abandoned by their leader. Curators were also miffed by Heyman's letter to *The New Criterion*, which seemed both to concede that some of the Smithsonian's curators were politically suspect, and to distance himself from them: "Of course, there are post-modernist thinkers at the Smithsonian, . . . " he wrote. "Do they predominate? As the vast majority of Smithsonian exhibits attest, the answer is, 'Of course, not.' " "I responded in the way I feel was appropriate and clearly states my feelings about the article," Heyman says. But some clearly felt he didn't go far enough.

To be sure, Heyman is in a tough spot: he must balance what curators perceive as the institution's best interests against the demands of a Republican-dominated Congress that wants to put its own ideological stamp on what the Smithsonian presents to the public—which Congress represents. Of course, there is a place for celebratory treatments of American history in America's preeminent cultural institution; most of the Smithsonian has always been dedicated to upbeat exhibitions, and most of it always will be. But the unpleasant truths about America's past need to be taught as well. If Heyman ever takes his effort to appease the Hill too far, the institution's intellectual freedom, as well as its vital educational mission, could be in jeopardy. •

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AN ILLUSION FOR OUR TIME

By Peter Beinart

"International finance has become so interdependent and so interwoven with trade and industry that ... political and military power can in reality do nothing.... These little recognized facts, mainly the outcome of purely modern conditions (rapidity of communication creating a greater complexity and delicacy of the credit system), have rendered the problems of modern international politics profoundly and essentially different from the ancient." These words come from perhaps the best-selling book on international relations ever written. That book, *The Great Illusion*, sold more than a million copies in seventeen languages. Its author, Norman Angell, was knighted, and won the Nobel Peace Prize. In the years following the book's publication, close to 100 organizations arose to spread its message: that the world had entered a new era in which economic interdependence made war unthinkable. *The Great Illusion* was published in 1910.

On March 20, 1997, *New York Times* columnist Thomas Friedman wrote that we have entered a "new world of globalization—a world in which the integration of financial networks, information and trade is binding the globe together and shifting power from governments to markets." In his December 8, 1996, column, Friedman wondered whether "a country, by integrating with the global economy, opening itself up to foreign investment and empowering its consumers, permanently restricts its capacity for troublemaking and promotes gradual democratization and widening peace." And on February 14, 1996, in a column on the impending Russian elections, he wrote: "Sure, a Communist or radical populist in the Kremlin would be worrying. But their room for maneuver would be constricted—much more than we realize and much, much more than they realize. Russia today is connected with the global economy."

The conventional wisdom about post-cold war American foreign policy is that there is no conventional wisdom—no unifying theory that traces disparate phenomena to a single source. But one candidate for conceptual preeminence may be breaking from the pack, and it is Friedman's candidate, globalization. The idea is that technology has led to unprecedented and irreversible economic integration among countries. The only way governments can survive is to do what global business demands: observe the rule of law at home, and act peacefully abroad. For the United States that means abiding by the imperatives of the global economy and informing others that they must do the same. It is a foreign policy vision for a world where politics barely matters.

And it is a vision that the Clinton administration has embraced. On June 19, in a speech prior to the summit of the eight industrial powers in Denver, President Clinton said, "Protectionism is simply not an option because globalization is irreversible." On June 6, in a speech arguing that trading with China would make it less dangerous, National Security Adviser Samuel Berger explained that "the fellow travelers of the new global economy—computers and modems, faxes and photocopiers, increased contacts and binding contracts—carry with them the seeds of change." A couple of years ago an unnamed State Department official told *The Washington Post*: "People who trade don't fight. They have shared interests in a way that autarchic economies do not."

The globalization doctrine builds on an idea popular in the early years of the Clinton administration: that American foreign policy should seek to widen the international community of democracies because democracies don't go to war with one another. But it goes a crucial step further. The earlier idea implied American pressure on democratization's behalf. For that reason, as the Clintonites discovered when they tried to apply it to China, it provoked real conflicts. The new doctrine, by contrast, does not require the United States to levy sanctions and create diplomatic rows. Globalization—powered by the inexorable march of technology and trade—will do democratization's work more effectively than State Department pressure ever could. America need simply warn renegades that if they menace neighbors or torture dissidents, they will be disciplined by the all-powerful global market. Foreign policy becomes an exercise not in coercion but in education.

This is globalization's appeal to a country both obligated to keep the world safe and increasingly reluctant to do so. It allows American elites to imagine that the security won for this country in struggle is now protected by a force both unstoppable and benign. And it allows them to imagine that rising and aggrieved powers will embrace a world governed by free trade as well, even though it locks them into a position of political

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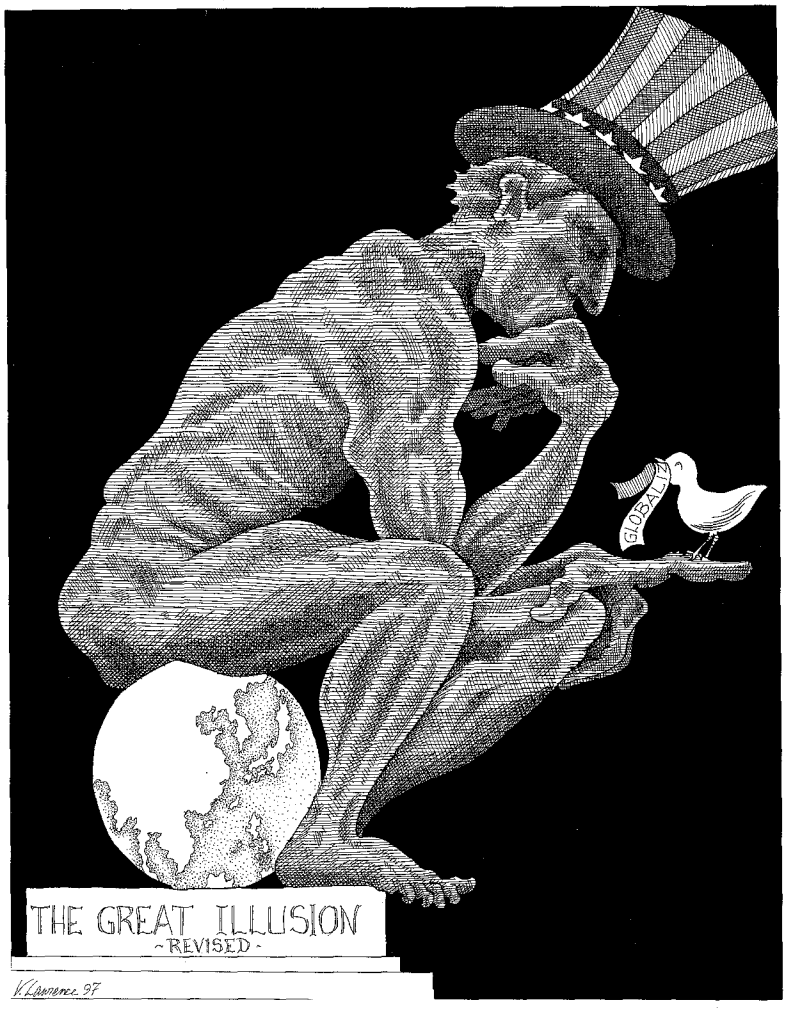
and military subservience. Globalization is the narcissism of a superpower in a one superpower world. It allows America to look at the world and see its own contentment and its own fatigue. And it has provided the same false comfort to lone superpowers in the past. That's where Norman Angell comes in.

It is obvious to any casual observer of international affairs that today's world is far more interdependent than ever before. But it is not true. International trade and investment have indeed been increasing since the 1950s. Yet after four decades of growing interdependence, the world is just now becoming as economically integrated as it was when Norman Angell wrote *The Great Illusion*. According to Paul Bairoch of the Center for International Economic History at the University of Geneva, merchandise exports by the industrial countries were 13 percent of their Gross Domestic Product in 1913. In 1992, they were 14 percent.

As for financial integration, Bairoch estimates that by 1993 Foreign Direct Investment as a percentage of gross product had risen to roughly the level of 1914: around 11 percent for the industrial countries. A more elaborate study by the U.S. Trust Company's Robert Zevin, which examines financial integration by measuring "cross-market correlations between asset price movements" concludes that "every available descriptor of financial markets in the late nineteenth and early twentieth centuries suggests that they were more fully integrated than they were before or have been since."



DRAWING BY VINT LAWRENCE FOR THE NEW REPUBLIC

So Norman Angell was right that he lived in a highly interdependent world. He considered this the result of technology, of "the incredible progress of rapidity in communication." All around him he saw technology forging a global economy that forced states to fit a single, fiscally responsible mold. "Just note what is taking place in South America," he wrote. "States in which [debt] repudiation was a commonplace of everyday politics have of recent years become as stable and as respectable as the City of London." "[C]ircumstances stronger than ourselves are pushing us," he insisted, and for those countries that resisted, "punishment is generally swift and sure."

But Angell's interest in the global economy was not merely descriptive. He sought to convince his fellow Britons, some of whom feared the outbreak of war with Germany, that the German threat was an illusion. After all, Britain and Germany were probably the two most economically interdependent nations on earth. Germany was Britain's second largest trading partner, and Germany sold more goods to the United Kingdom than to any other country. And even trade doesn't reveal the true depth of Anglo-German economic ties, since the City of London largely financed German industry. A Committee of Imperial Defence study noted that, since Lloyds insured the German merchant marine, it would have to pay the Kaiser for any lost ships, even if they were sunk by the British navy.

Under such circumstances, Angell argued, the key to preventing war was awakening people to their self-interest. He rejected suggestions that Britain contain Germany through military preparation and balance-of-power diplomacy. Any German penchant for aggression, he insisted, was "founded upon illusions which she would be bound sooner or later to shed." To speed up this inevitable process, Britons should forge ever deeper economic links with Germany while teaching people in both countries that war was self-defeating.

In Britain, a country ideologically committed to free trade, Angell's educational campaign struck a chord within the ruling elite. Of the 100 societies which sprang up to do the job, the most prominent included former Conservative Party Prime Minister Arthur Balfour, and Lord Esher, chairman of the Committee of Imperial Defence. If Germany was challenging Britain's industrial supremacy, Britain remained the world's undisputed financial capital, and London's powerful financiers more than counterbalanced the few farmers and manufacturers who wanted tariffs against German imports.

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Even Benjamin Disraeli, whose Conservative Party had fought for the Corn Laws in the mid-nineteenth century, announced that the Tories were now free traders. "Musty phrases of mine forty years ago," he said, were no longer relevant.

The British elite's enthusiasm for globalization implicitly rested on their country's privileged international position. Britain had been the world's leading military and economic power for close to a century. The relatively open trading system of the late nineteenth century, of which Britain was the chief beneficiary, was sustained by the protective power of the British navy. But Britain's military primacy had gone unchallenged for so long that many in Britain had lost sight of its importance. So Norman Angell, and others in the British establishment, saw globalization not as a fact of politics based on a security system, but as a fact of technology, independent of politics.

In Germany, however, which had been recently weak, divided, and at war, security concerns didn't seem so irrelevant. From Berlin, globalization did not look like a panacea; it looked like British hegemony. Britain's navy controlled the waterways on which German ships traveled, and Britain, through its empire, controlled many of the raw materials Germany's burgeoning industries needed. Britain saw the continent's division as evidence of a stable international order. Germany, which believed it deserved a central European sphere of influence, saw that division as a sign of British domination.

Quite aware that Britain had industrialized before the era of free trade, many Germans regarded London's continual preaching about the immorality of protectionism as rank hypocrisy. Starting in the 1870s, German governments began protecting their industries behind a tariff wall. As Paul Kennedy shows in *The Rise of the Anglo-German Antagonism,* Germany's reigning ideology was mercantilism. Its leaders knew that trade could be a means to wealth and power. But they also believed that, for a rising power beset by deep social conflicts, unregulated free trade could be a threat to political stability and governmental control. While Norman Angell followed in the tradition of Adam Smith and Richard Cobden, Germany in the late nineteenth century saw a revival of interest in the works of Friedrich List, who wrote in his 1841 classic *The National System of Political Economy* that the ideology of free trade was a "clever device that when anyone has attained the summit of greatness, he kicks away the ladder by which he has climbed up, in order to deprive others of the means of climbing up after him."

For Germany to climb up, it would have to be strong enough to integrate with the world economy on its terms. So while many Britons argued that globalization was rendering military power irrelevant, the German elite believed globalization made it all the more crucial. Concerned that its trade routes were at the mercy of the British navy, Germany embarked in 1897 on a massive ship-building program. This naval challenge pushed Britain gradually closer to France and Russia, and set in place the alliance system that would turn a local squabble into World War I.

The United States in 1997 differs from Britain in 1897 in obvious ways. Its empire is informal, not formal; its democracy is mature, not embryonic. But its elite shares turn-of-the-century Britain's fascination with economic interdependence. Today, as then, globalization suggests a world in which the imperatives of economic integration overwhelm those of politics. And in today's America, as in Norman Angell's Britain, there is a strong, intuitive sense that globalization is connected to wondrous new developments in communications technology: satellites, faxes, the Internet.

But if technological progress by itself produced integration, globalization would have risen steadily during the twentieth century. It has not. The period between 1914 and 1950 saw a revolution in both transportation and communication. The automobile assembly line was introduced in 1913; the first transatlantic flight took place in 1919; and the first commercial radio broadcast was in 1920. But during that time interdependence decreased dramatically. The reasons, of course, were World War I, World War II, and the economic depression in between. The era's technological breakthroughs did not prevent the rise of aggressive, expansionist ideologies in Germany and Japan. And those forces swamped the supposedly inevitable trend toward a more peaceful, globalized world.

Similarly, the rise in global integration since World War II stems more from politics than from technology. In particular, it stems from two institutional shifts, both made possible by American political and military power. The first was the establishment of a liberal trading and monetary regime in the 1940s. America built the regime—whose key components were the International Monetary Fund, the General Agreement on Tariffs and Trade, the Marshall Plan, and the American nuclear umbrella—both because free trade was in the U.S.'s self-interest, and because the U.S. wanted to help Western Europe and Japan recover so they would not fall prey to communism. Economic integration grew because the GATT reduced tariffs, the International Monetary Fund stabilized world currencies, and the Marshall plan rebuilt European industry. From 1950 to 1975, trade among the industrial countries grew twice as fast as their economies.

In 1974, the United States made the second key decision: it abolished its controls on the movement of foreign capital. This decision, like the first, can be traced to American self-interest. Declining U.S. productivity had spawned a trade deficit, which was pushing the dollar down and threatening the fixed exchange rate system. Abandoning both the fixed exchange rate and capital controls allowed the dollar to drop to its natural level, and let in the foreign capital America needed to finance its trade deficit. The decision was possible because Western Europe and Japan had grown strong enough that they no longer needed fixed exchange rates to stabilize their economies and fend off communism. Deregulating

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its capital market cemented the United States' position as the world's financial center, and it eventually forced America's competitors to end their capital control as well.

To be sure, by the time America scrapped capital controls, advances in telecommunications technology had already rendered them less effective. But as Eric Helleiner of York University in Toronto argues in *States and the Reemergence of Global Finance*, the United States could have restored their efficacy had it wanted to. It did not, and the result was an explosion of globalized finance that dwarfs even the rise in trade. In the late 1970s, the industrial nations invested $34 billion a year overseas. By 1990, that figure had reached $214 billion.

So we too live in a highly interdependent world. The problem is the widespread American belief that economic integration, because it stems from technology, is both all-powerful and politically neutral—that is, not identified with the interests of any one country. This leads to soothing assumptions about the restraints the global market imposes on potential aggressors, restraints that only exist if the potential aggressors also see globalization as both inevitable and benign.

Consider the way globalization looks from Beijing. Americans often see East Asia as the vanguard of the new economics-dominated world. But Japan, South Korea, and Taiwan all emerged as major world traders and investors under the protection of the American military. The U.S. Navy guarantees the South and East China Sea trade routes on which all three rely. Each has profited from access to U.S. markets, access granted in part to foster prosperity, and thereby to ensure they remained on the American side during the cold war. The United States has promoted growth and economic integration in East Asia, but as part of a broader American strategy to prevent any Asian power from gaining regional hegemony.

If Americans sometimes forget this, the leadership in Beijing—which seeks exactly that regional sphere of influence—does not. What Washington calls globalization, Beijing calls American hegemony, and this difference of perspective helps explain why China is violating globalization's core imperative. Like Imperial Germany before World War I, China's links to the world economy are making its leaders more interested in the accumulation and projection of military power, not less.

As Princeton's Kent E. Calder wrote last year in *Foreign Affairs*, China's growing international trade has led to a tremendous boom in manufacturing, and in air and car travel. This in turn has made China a net importer of energy. Shell China Petroleum Development estimates that by 2015 Beijing will need to import as much oil as the United States does today. This is one reason China has in recent years tried hard to establish a sphere of influence in the South and East China Seas. In January 1995, the Chinese navy forced a group of Filipino fisherman off Mischief Reef, part of the disputed Spratly Islands. The Spratlys contain considerable oil reserves, and sit astride the South China Sea, through which Middle Eastern oil travels on its way to China (as well as to Japan, South Korea, and Taiwan). In December 1995, Chinese ships were spotted encroaching on the Senkaku Islands (the Chinese call them the Diauyutai) in the East China Sea. The Senkakus, claimed by both China and Japan, are also oil-rich and near key international shipping routes.

Just as China's growing economic interdependence may foster, rather than restrain, military aggression, many of Beijing's economic reformers are also its biggest hawks. The People's Liberation Army, which has grown more powerful within the political hierarchy since the Tiananmen Square massacre, strongly favors economic reform. In his book *China After Deng Xiaoping*, Hong Kong journalist Willy Wo-Lap Lam estimates that there are perhaps 50,000 PLA-owned businesses, in which foreigners have invested over $1 billion. But Lam also shows that the army is one of the most expansionist elements within the Chinese leadership. The PLA pushed the government to be aggressive in the Spratlys, and in November 1992, a group of retired generals reportedly wrote Jiang Zemin and Li Peng a letter demanding a "stern reaction" to American and French sales of fighter jets to Taiwan. In early twentieth-century Germany, many industrialists encouraged their government's challenge to British naval dominance. In China, the industrialists and the admirals are often one and the same.

According to the theory of globalization, it is irrational for China to keep demanding that the U.S. Navy vacate the South China Sea. After all, it is there protecting free trade, which benefits everyone. But to China today, as to Germany in 1900, free trade looks less like a universal good, and more like the expression of a hegemon's self-interest. From Beijing's perspective, it is dangerous to have the U.S. military patrolling its trade routes—not necessarily because China fears the U.S. will cut off access to its key imports, but because it fears America might use the threat to force China to acquiesce in the total opening of its market (something China was forced to do in the nineteenth century).

To see how "American" free trade can look, consider Beijing's relations with multinational corporations. In America it has become fashionable to say that today's multinationals have no national identity. On this view, it is self-defeating for the Chinese to insist, as they do, that, as a condition of selling in China, multinationals transfer technology to Chinese companies. After all, this raises the cost of imports for the Chinese consumer.

But the men who run Beijing don't think multinational corporations lack a national identity. They see them as the agents of the United States and its allies, which is not altogether unreasonable. In 1991, only 2 percent of the corporate directors of American multinationals were non-American. As Louis W. Pauly of the University of Toronto and Simon Reich of the University of Pittsburgh have shown, multinationals are deeply tied to their home countries in corporate style, ownership, and the production of their highest value components.

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Beijing knows this, and it fears Western multinationals will not give it the knowledge it needs to move from making toys to making microchips unless China insists on technology transfer as the price of increased trade.

China's rulers are mercantilists. They believe economic engagement can help make their country powerful, but they also believe unregulated commerce can sow instability. They know tariffs played a key role in the industrialization of the United States and Japan, and they suspect that American insistence on free trade today is a clever attempt to prevent China from adopting the same tested formula for national greatness. That's what Beijing hears when American officials say that free trade will undermine Beijing's current authoritarian regime and foment a democratic revolution.

This raises a question that Thomas Friedman and other globalization enthusiasts seldom bother to ask: Why is globalization such an attractive theory in this country at this time? The answer is that the U.S. is in a position only one other country has known in the last two centuries. Like Victorian Great Britain, the U.S. today is the world's lone superpower. Its old rivals are dead, and its new ones are not yet born. Its security is so assured that it suspects military power has become irrelevant. And so America can afford to dream of a world without conflict, of an end to History.

But globalization reflects not only America's success. It also bespeaks its quiet fears. It is possible to be the world's only superpower and also be in decline. That decline has been impressively obscured in the past decade, by the Soviet Union's collapse and by economic troubles in competitors like Germany, France, and Japan. Most of all, it has been obscured by American industry's return to international preeminence over the past decade. But from a long-term perspective, America's economic decline relative to other nations is indisputable. In 1950, the United States represented 39 percent of world GNP. In 1995, it represented 26 percent. In 1953, the United States accounted for 45 percent of the world's manufacturing output. In 1990, it accounted for 22 percent.

This decline in global economic dominance is making it harder for the United States to sustain its apparatus of political and military power, even though the challenges to that apparatus are currently quite minor. America has recently closed a number of embassies and consulates. According to a recent study by UNICEF, it now ranks lowest among twenty-one industrial countries in the percentage of GNP it devotes to foreign aid. The percentage of World Bank lending underwritten by the U.S. has fallen by half since the institution was founded. Between 1989 and 1995, America's troop strength in the Pacific fell 15 percent.

To the superpower's worry that it cannot maintain its security system with declining resources, globalization offers a reassuring answer: it isn't the security system that keeps the peace, but rather the global market. And while military power waxes and wanes, the expansion of the global market—as Thomas Friedman and Bill Clinton never tire of saying—is unstoppable. American foreign policy can content itself with helping globalization along, and with reminding other countries of the restraints it imposes.

This is the story of the Clinton administration's policy toward China. In 1993, Bill Clinton took office threatening sanctions to force China to be less repressive at home and less aggressive abroad. In 1994, Warren Christopher took this message with him on a trip to Beijing, and was publicly humiliated. America's allies and American business rejected any effort to isolate China, and the United States backed down. The Clintonites realized that they lacked the power to change China's behavior, at least its domestic behavior. From this realization came "engagement"—globalization in policy form. The policy assumes that China's growing integration with the world economy will tame it, even without U.S. pressure. This is what Friedman means when he writes that, "Hong Kong will be a largely self-sanctioning diplomatic problem." When Christopher returned to China in November 1996, he told his hosts that, "history shows that nations with accountable governments and open societies make for ... better places for foreign investment and economic growth." In other words, China's desire for wealth will improve its behavior, and keep it from becoming a threat.

These are dangerous assumptions. The better response to America's relative decline would be to get our increasingly wealthy allies to accept a greater share of maintaining the security system from which they benefit. In East Asia, that means putting trade conflicts with countries like Japan, South Korea, and Indonesia on the back burner, and giving them more say in how the U.S. deals with China. Since those countries have no interest in China's internal affairs, America would have to downplay human rights considerations. But it has done so anyway. This is a price worth paying in order to convince China's neighbors to assume more of the burden of thwarting China's hegemonic push. America would base its policy not on the imperatives of the global market, but on a renewed balance of power. And this would mean accepting, though we would rather not, that neither the march of technology nor the spread of wealth can keep us safe absent the mobilization of national resources and national will.

In 1939, with one world war past and another looming, the renowned British historian E.H. Carr reflected on why events had proved Norman Angell wrong. He wrote in *The Twenty Years' Crisis*: "To make the harmonisation of interests the goal of political action is not the same thing as to postulate that a natural harmony of interests exists; and it is this latter postulate which has caused so much confusion in international thinking." The theorists of globalization, then and now, are not wrong because they believe peace is possible. They are wrong because they believe peace is possible without politics. •

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THE HARD QUESTIONS

The baby bazaar

Dr. Thomas Jugarthy Hicks, a beloved country doctor in a small Georgia town, had a secret business selling babies on the side. Jane Blasio, now a 32-year-old Ohio resident, was one of them. In 1965, her adoptive parents, a tire maker and his wife, drove eight hours from Akron, Ohio, paid the doctor $1,000, and drove home with a new baby daughter. Included was a fake birth certificate listing the buyers as the birth parents.

According to a remarkable account in *The New York Times*, Mrs. Blasio discovered Dr. Hicks's sideline business while combing through county birth records searching for the identity of her birth mother. The doctor, who died in 1972, sold some 200 babies from 1951 to 1965.

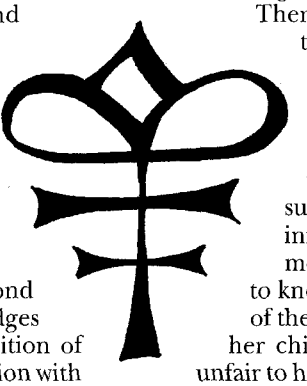
Baby-selling is not normally a respectable business, but Dr. Hicks's version had some morally redeeming aspects. Childless couples were not his only clientele. Unmarried pregnant girls from Chattanooga to Atlanta also made their way to his clinic in the north Georgia mountains. Abortion was illegal at the time, but Dr. Hicks was known to perform them. Sometimes he persuaded young women seeking abortions to carry their babies to term, thus creating the supply that met the demand of his childless customers. In 1964, Dr. Hicks lost his practice when charges were brought against him, not for selling babies, but for performing abortions (though he continued selling babies for another year). Three decades later, the people of the town recall him with fondness and even admiration.

It is difficult to condemn the doctor's morally complicated practice. It could reasonably be argued that the moral wrong of selling a child was outweighed by the moral good of avoiding an abortion and placing an unwanted child with loving parents. In any case, Dr. Hicks's black market in babies compares favorably with the newest form of baby-selling, otherwise known as commercial surrogate motherhood.

Compared to Dr. Hicks's homespun enterprise, commercial surrogacy, a $40 million industry, is big business. Professional baby brokers advertise for couples who want a child and for women willing to give birth—through artificial insemination—for pay. The broker draws up a contract specifying the payment to the birth mother, typically $10,000 plus medical expenses, in exchange for which she agrees to be impregnated with the father's sperm, to carry the pregnancy to term, and to relinquish the child and all parental rights. For his efforts, the broker collects a $15,000 fee, bringing the cost per child to more than $25,000.

Like all commercial contracts, surrogacy promises benefits to both parties: infertile couples can acquire a baby who bears the genetic imprint of the father and raise it as their own; surrogate mothers, meanwhile, can earn $10,000 for nine months' work and give a gift of life to a grateful couple.

But contract pregnancy does not always work out happily. Sometimes, the surrogate mother changes her mind and wants to keep the baby. Then courts must decide whether to enforce the contract. Many states' laws are silent on contract pregnancy, which arose in the 1980s as reproductive technology advanced and markets invaded realms of life once thought to lie beyond the reach of money. So judges are put in the awkward position of deciding a large moral question with little guidance from the law. In Massachusetts, where the legislature has not spoken on the question, the Supreme Judicial Court hears arguments this month in a case involving a surrogate mother who wants to give back the money and keep the child.



The Massachusetts court would do well to ponder the decision by the New Jersey Supreme Court in a similar case nine years ago. In the celebrated "Baby M" case, the surrogate mother, Mary Beth Whitehead, fled to Florida with her baby rather than surrender it to William and Elizabeth Stern, the couple who had paid her to conceive it. A lower court ruled that the contract was valid; a deal was a deal, and the birth mother had no right to break the agreement simply because she changed her mind. The New Jersey Supreme Court disagreed, and invalidated the contract. It granted custody to the father, Mr. Stern, but voided the adoption by his wife and declared Mrs. Whitehead the legal mother, entitled to visiting rights.

The lower court argued, implausibly, that in contracting with Mrs. Whitehead, Mr. Stern did not really buy a baby (he, after all, contributed the sperm) but simply hired a woman to perform a service for a wage. But this strained distinction overlooks the fact that the contract not only required Mrs. Whitehead to bear the child; it also required that she renounce her parental rights. The contract even included a product guarantee: if the baby were born abnormal, the Sterns would not have to take it, though they would be obligated to provide financial support.

The New Jersey Supreme Court called commercial surrogacy by its proper name: "This is the sale of a child, or at the very least, the sale of a mother's right to her child, the only mitigating factor being that one of the purchasers is the father." If contract pregnancy is morally equivalent to baby-selling, the question remains whether our repugnance for baby-selling is well-founded. What is wrong with letting people buy and sell babies if they choose? Why shouldn't people be free to decide for themselves what values to place on the things they exchange?

There are two possible answers to this question, one within and one beyond the moral logic of consent. The first argues that surrogacy contracts are not truly voluntary because no such agreement can be fully informed; since the birth mother cannot be expected to know in advance the strength of the bond she will develop with her child during pregnancy, it is unfair to hold her to her bargain once the baby is born. The second, more powerful, argument does not depend on finding a flaw in the act of consent. It holds that even a truly voluntary, fully informed agreement to sell a baby lacks moral force because certain things should not be bought and sold. As the New Jersey Supreme Court rightly observed, "There are, in a civilized society, some things that money cannot buy."

The second argument maintains that we should not regard ourselves as free to assign whatever values we want to the goods we prize. Certain modes of valuation are appropriate to certain goods. Treating children as commodities degrades them by using them as instruments of profit rather than cherishing them as persons worthy of love and care. Contract surrogacy also degrades women by treating their bodies as factories and paying them not to bond with the children they bear.

Far from justifying the sale of babies, the deliberate, voluntary character of contract pregnancy heightens the moral wrong. Dr. Hicks's black market in babies responded to a problem that arose independent of market considerations. He did not encourage the unwed mothers whose babies he sold to become pregnant in the first place. Had he done so, his secret practice would have been as reprehensible as the commercial surrogacy business carried on today in full public view.

MICHAEL J. SANDEL

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BOOKS & The Arts

Stanley Kauffmann on Films

Domestic Mischief

In November of 1880 William James read two new novels by his brother Henry, one of which was *Washington Square*, and sent him a congratulatory letter. Henry replied:

> Thank you for what you say about my two novels. The young man in *Washington Square* is not a portrait—he is sketched from the outside merely & not *fouillé*. The only good thing in the story is the girl.

Too modest, many of us might say. Few would put this novel in the first James rank, but the young man is sufficiently explored to make him entirely credible, and Dr. Sloper, the girl's father, has fascinations. His complexities, his modes of wreaking vengeance on his daughter because her birth caused the death of his beloved wife, have a range that includes the sexual. (A slight reminder here of the relationship between Elizabeth Barrett and her father.)

Some suggestion of the sensual touched Ralph Richardson's performance of Dr. Sloper in the William Wyler film (1949). That screenplay was by Ruth and Augustus Goetz, who derived it from their dramatization of the book for the theater (it was revived successfully last year on Broadway). Their version gave the story a vindictive conclusion. Wyler's film, like the Goetz play, was called *The Heiress*, and the jilted heiress had a biter-bit last scene in which, after some years, the jilter was jilted.

Now the novel is filmed again, is called **Washington Square** (Hollywood Pictures), and the Goetz version is not in evidence. In this screenplay by Carol Doyle, the tyrannical rich father is again, through his wealth, successful in dissuading his daughter's suitor, but the ending is much closer to James. (Despite a sugary touch with a child.) Catherine Sloper wreaks no vengeance; she simply dismisses the returned Morris Townsend. She has become the queen of her self, of her pride, in a way that her now-deceased father might not have imagined.

But, despite its more Jamesian conclusion, this new film flounders. First, the casting. Jennifer Jason Leigh, as Catherine, is a reclusive, damaged, tight-lipped worrier, with no hint in her of thwarted possibilities for fullness. In Wyler's film Olivia de Havilland was a prisoner; Leigh is a neurotic. Ben Chaplin, as Morris, may have been chosen because he has a vague resemblance to Montgomery Clift, Wyler's Morris; but Chaplin has no hint of Clift's temperament or depth. Morris needs to convince us of his genuine feeling for Catherine, despite the genuineness of his need for her wealth. Chaplin is simply around a lot in the film, with not much power.

The gifted Maggie Smith plays Catherine's aunt, but the colorful Smith is straitjacketed in this doting-aunt role. The biggest disappointment, because of high hopes for him, is Albert Finney as Dr. Sloper. Most of what he does here seems first-take acting—though it may have been twentieth-take or more. Finney curls his lines in the air like a slave-driver's whip, but the whole part is, as theater lingo has it, indicated. Nothing that Finney says or does comes from a realized man.

The cinematographer was Jerzy Zielinski, who manages to frame compositions without planes or emphasis. Except for the two-shots and close-ups, we frequently see frames in which there is little distinction between the flowers on the table, the pictures on the wall, the curtains on the windows, and the characters in the scene. Yes, domestic clutter was a sign of the *bon ton* of the time, but to include the characters in the clutter doesn't much help the drama. And Zielinski's colors would be the envy of any postcard manufacturer.

The director was the Polish-born, Czech-trained Agnieszka Holland, who has won some renown for *Europa, Europa* and a few other films. If in the past her work sometimes seemed overbearing, here it seems ill at ease, uncomfortable, straining for effect. She falls back on the sorriest of clichés. Is there a scene between the two lovers in a park near a fountain? Then we must have at least one shot of the lovers seen through the fountain spray. Does Morris abandon Catherine and drive off, with her running after the carriage through the muddy street? Then of course Catherine must trip and fall headlong in the mud. And of course Holland is ultimately responsible for the general superficiality of the acting throughout.

Washington Square doesn't begin to answer the question that attends all remakes: Why?

More good news about homosexuality

FILMS WORTH SEEING

In the Company of Men. *With the cruelty of Congreve or Wycherley, two modern young men play a trick on a pleasant young woman—with unforeseen results, of course. Diamond-point writing and directing by newcomer Neil LaBute. (Reviewed 9/1/97)* **Mrs. Brown.** *The still-astonishing story of Queen Victoria and her Scottish servant, John Brown. Exceptional acting and fluent directing. (8/4/97)* **My Mother's Courage.** *The mother of George Tabori, that is. This playwright's mother had a day's adventure with the Nazis in Budapest in 1944 that was certainly grim but oddly humorous. Michael Verhoeven directs deftly. (9/29/97)* **A Self-Made Hero.** *By skillful imposture, a young Frenchman manages to float on the surface of World War II and come out okay. Generally amusing, basically bitter. (9/22/97).*—**SK**

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in American films. A few months ago we had Terrence McNally's *Love! Valour! Compassion!*, which, by its very triteness, announced that homosexuality was not ipso facto a novel and fascinating subject, that it was now so familiar as dramatic material that, in itself, it could be tedious. Negative though it was, that fact was progress.

Now more negative progress. **In and Out** (Paramount) takes the acceptance of homosexuality—as a film subject—even further. It can now be treated as a formulaic farce device. The screenplay by Paul Rudnick, known as a playwright, is built on an incident in an Academy Awards broadcast. When Tom Hanks got an Oscar for *Philadelphia*, he mentioned his gratitude to a high school teacher who had enlightened him about gayness. Rudnick uses this incident as a spark for a series of complications that rock the life of an Indiana high school teacher who was an Oscar winner's teacher.

The structure is so mechanical, the characters of the teacher, his parents, his fiancée, and the Oscar'd star are so routine, every ingredient of the directing is so stale, that we feel we're seeing this film over again, even though it's the first time. This is great. If homosexuality can be treated in such a pat Hollywood fashion, as if it had merely been revealed that, say, the teacher had once been drunk in public or had written a naughty book under a pen name, then civilization may have inched forward a tiny bit. The ending, at the high school commencement, in which all of the audience, including the macho volunteer firemen, stand up for gayness, would have warmed the heart of Frank Capra.

Kevin Kline, who plays the teacher, is a highly competent comedian, but throughout this film he seems to be having second thoughts about accepting the role. Matt Dillon, as the alumnus who makes it in Hollywood, doesn't have much glitz or glamor. The only comic shadings, done with tidy timing, come from Bob Newhart as the high school principal. •

Jed Perl on Art

Latest and Greatest

I have rarely been so happy at a museum show as I was at the exhibition of Georges Braque's late paintings that was at the Menil Collection in Houston over the summer. In the two decades preceding his death at the age of 81 in 1963, this master, who a half-century earlier had banded together with Picasso and created Cubism, was taking issue with his own seamless virtuosity. It's fascinating to watch as a supremely accomplished artist reaches way, way beyond what he knows for sure. The series of paintings of the artist's studio, which preoccupied Braque in the late '40s and early '50s, is in many respects his summing-up achievement. These compositions are filled to overflowing with the palettes, brushes, easels, and canvases which must have felt, after all those years, like extensions of his own body, as familiar as his arms, legs, and hands. *Studio VIII* gives off a soft, peach-fuzz, early morning light. The rest of the canvases are mostly dark-toned and shadowy, and of these I think the finest are *Studio VI* and *Studio IX*. Braque uses the nocturnal look of the paintings to create a sensation of boundless mystery; it's as if we're seeing the constellations in the night sky.

Many of the Studios suggest a burning-the-midnight-oil fever, yet Braque's juxtapositions are so elaborately labyrinthine that the ardor has a slowed-down, valedictory effect. The Studios are full of overlapping images and plunging spaces and pictures-within-pictures. They are about unfolding possibilities, and the something-from-next-to-nothing miracle of artistic creation. When Alexander Liberman wrote about Braque in 1960 in *The Artist in his Studio*, he remarked that visiting this studio was like "standing in a luminous womb," and that is another, universe-in-miniature way of describing the experience of the paintings. Braque is allowing himself to drift and to wander. His movements are such an astonishing mix of deliberation and abandon that I find myself mesmerized.

No artist has ever taken greater risks. Braque combines the most ordinary studio paraphernalia with images of birds, one perched on an easel, several others with full, soaring wings. These birds heighten the allegorical drama; we know instinctively that they represent the artist, ready to take off. Braque is exploring his anarchic impulses—he's flying—and there is an awesome complexity to the way that a taste for fantasy and

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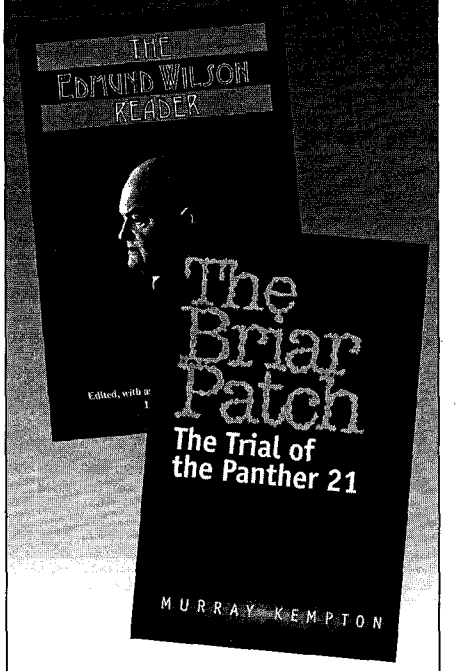

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caprice complicates his passion for beautifully measured effects. Braque remains essentially a still life painter, but he brings such a concentrated attention to the most familiar objects that they acquire a new kind of dramatic presence, at once warmly inviting and eerily bizarre. These late works have their knotty, obtuse passages. They are an old man's aperçus piled high: that's their fascination. Braque is layering impressions to create an allegorical ruckus. The Studios are summing-up paintings unlike any others in the history of art, for the reckoning has less to do with putting matters in their proper place than with catching a definitive impression of the whirling, mysterious way that we take in the world.

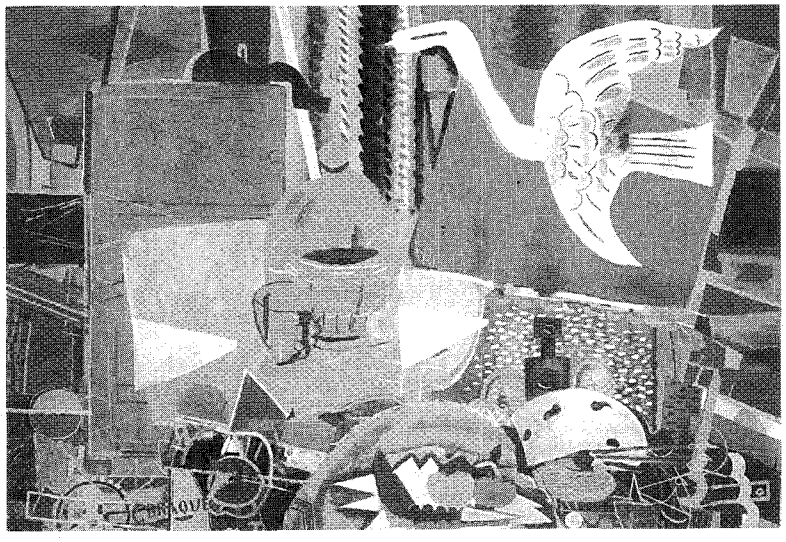
"Braque: The Late Works" was organized by the English art historian John Golding and created a sensation at the Royal Academy in London last winter. Late style has fashion value in our fin-de-siècle-besotted times, but even so Braque remains a to-the-side kind of towering figure. While he can satisfy an increasingly widespread craving for end-game dramas, he will disappoint those who think of late style as over-the-top style, and are focused on the hell-bent brushwork of Titian's *Flaying of Marsyas* or the sexual looniness of Picasso's Dionysiac explosions. There are great artists who, as they near the ends of their lives, seem to want to shatter each pictorial problem as they resolve it, and the result is work that achieves a startlingly uncomplicated availability, a peremptory, all-in-one impact. Braque goes pretty far, too, but he goes in a different direction. He is rather like Poussin, in that in his final phase he wants to give an elaborate, almost pedantic attention to the most specialized technical questions. Braque's late work has a veiled impact. He is elaborating mysterious, elusive effects. He is the aged Cubist king, surveying his domain, still meditating on and enshrining the very rules that he has done so much to invert and to overturn.

The Studios, which filled one of six classically proportioned galleries that provided a grand setting for the show at the Menil, represent only a fraction of what Braque accomplished in the years after World War II. Braque was pushing in many different directions, and, especially after completing the last of the Studios, he seemed to want to clear the air, to adopt a spirit of radical simplification in paintings of bouquets, of beaches and fields, and, finally, of birds in flight. Coming near the end of his life, some of those intimately scaled landscapes and monumental Birds have the unforgettable brevity of parting glances. In one small picture of a bicycle in the rain (which was not, unfortunately, included in this show), the dashes of rain suggest a tear-stained, final-farewell poignancy.

When a great artist is still working at this kind of fever pitch at the end of his life, there is so much accumulated experience going into everything he does that even his tiniest move has a remarkable scale and sweep. In the Fifties, when Braque was interviewed by John Richardson, he observed that painting was rather like "reading tea leaves." A part of the glorious complexity of Braque's late work has to do with his being not only the fortune teller who reads the leaves, but also the cook who prepares the brew and the seeker after truth who finds his next move determined by what the tea leaves tell. The somewhat contradictory impulses that come through in the late paintings reflect the personality of an extraordinarily refined man who is also an audaciously free spirit. We recognize this personality from the earlier work, but the familiar elements are now heightened, underlined. Braque wants a palimpsest-like quality, with his youthful Cubist and even Fauvist adventures echoing, ricocheting, becoming louder as he nears the end.

A number of American critics who wrote about the Braque exhibition while it was in London regretted that the show would not visit New York, the city that still leads taste in America if not the world. I agree. There are many artists in New York who adore Braque's late paintings, but the administrators who book the shows into the museums seem to think otherwise. And this is not a new situation. In 1982, the Phillips Collection in Washington, D.C. mounted another magnificent show of late Braque, and it, too, bypassed New York. There is a fundamental mismatch between the artist who summoned up those great dreams that are the Studios and the city that prides itself on the fact that it never sleeps. And if we reckon that the restlessness of New York is in some measure a paradigm for the restlessness of late twentieth-century art, then we can begin to grasp Braque's paradoxical reputation at the end of a century whose art he helped to shape in so many essential ways.

Braque was a man who had his own kind of aristocratic independence, which gave him the confidence to take those definitive steps away from Renaissance perspective at the beginning of the century. But by now, a generation and more after his death, his instinctive indifference to received opinion has turned him into a figure apart. Along with a number of other long-lived pioneers of the first quarter of the century, Braque found his work becoming familiar to the huge public that came to modern art after World War II; but if Picasso, Léger, Chagall, and Calder sought popularity and were loved for doing so, Braque earned his patriarchal status while pursuing the narrow intensity of an art designed for an older aristocracy of taste. In the era of the expanding art audience, he did not spurn the public—but he did not court it, either. The audience loved him, but from afar. They respected the cloistered elegance of his work. They understood that he preferred not to reach out to them, that he expected them to come to him.



Courtesy The Menil Collection

STUDIO VIII, 1954-55, BY GEORGES BRAQUE

Braque works from instinct; he wants to sneak up on his subjects, to dream his way into them. He will muse on a motif as unexceptional as a wrought-iron garden chair in a series of paintings that stretches over a period of years and even decades. But these series have none of the orderly, prepared-to-be-exhibited, almost scientific-minded spirit that we know from Monet's Haystacks or Cathedrals. Braque is too deeply subjective an artist to ever exactly categorize his impressions. He seems to want to grapple with some initial impression, and that process involves indirectness, watchfulness. He will try to represent a single object—say, a palette—in as many different ways as he can possibly imagine. He

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pursues his motifs not necessarily until they have reached some clarified form, but until he has satisfied himself. By which time the motif may have nearly dissolved, as is the case in one of his last and largest landscapes, which focuses on the shadowy, pointillist image of a plough.

Braque's subjects do not easily explain themselves; that is a part of their fascination. He seems to be drawn to a particular stretch of land or a particular object without knowing quite why; and the painting becomes his way of finding out. Braque spent much of a decade painting interiors dominated by a billiard table, but he was at best a casual billiard player and did not own a table. He probably found in the geometry of the billiard game some emblem for painting itself. He may also have liked the game's suggestion of masculine aplomb, of a world of comfortable leather chairs, soft evening lights, good cigars, and old Calvados that a man as innately elegant as Braque would have valued. Yet you don't wonder overly much about what the Billiard Tables mean, because you are held by Braque's concentration, by his absorption.

All the later works have a meditative intensity. Braque lingers over familiar objects, and finds unique ways of evoking the naturalistic dazzle of ephemeral effects. He's fascinated by the way that light glances off variously colored and textured surfaces, and he uses the substance of the paint to describe everything from the softness of a flower to the gleaming hardness of a ceramic vase. In *The Stove* (1942), he becomes almost obsessed with the reflective properties of metal surfaces. Yet his feeling for the representational basics is complicated—and even exploded—by a pragmatic-metaphysical zeal to see exactly how paint creates an illusion. A kind of now-you-see-it-now-you-don't magicianship had characterized his grandest Cubist paintings, in 1912; and in these later decades Braque was enlarging on the drolleries and comic high-wire acts that had been Cubist grace notes, until he defined a new principle of radically naturalistic perception.

In *The Cauldron* (1947-9), Braque isolates the several strokes of precisely differentiated gray that create the highlight on a vase, so that each stroke of paint takes on a free-standing significance—a life of its own. He is simultaneously creating an illusion and pulling it apart. His handling of paint is always thrillingly unpredictable. In some paintings a piled-high glob of paint will be set right next to the thinnest, watercolor-like effect. And he uses wild, surprising colors to

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heighten his put-it-together-and-take-it-apart dramas. In the Studios, I see more subtly differentiated grays than I imagined could exist, and the breathtaking fine-tuning of those values becomes a dimension of the artist's gutsiness. In other still lifes, flower paintings, and landscapes, Braque dreams up hues that fly off the color charts: shocking, zanily lush purples and oranges; light-drenched yellows; weirdly dissonant greens.

Braque is quite obviously deliberating over every move he makes, but it is a kind of deliberation that acknowledges and even invites leaps into the unknown. An ordinary field or a stretch of stormy beach is given the riveting presence of a banal landscape that has such powerful personal associations that you remember it for a lifetime. The dissonance between the prosaic character of many of Braque's subjects and the elaborateness of his technique lends the paintings a peculiar gravity. Looking at these canvases, I feel that I'm going through a slow-motion process of discovery.

From time to time—especially, I think, in the later '50s and early '60s—Braque fails to integrate a composition, and you begin to wonder if his powers aren't declining. A painting called *Composition with Stars* (1954-58), unfamiliar to me, is so overworked yet fragmented that it's hard to look at, and this is uncharacteristic of Braque, who generally rises to the challenge of a loaded motif. The garden chair painting included here, *The Terrace* (1948-61), is fussy and diffuse, but this is a problem of selection, for another one in this series that is not included, *The Mauve Garden Chair* (1947-60), is an idiosyncratic masterpiece. Braque remains a really surprising artist right to the end.

In those last years he allows the birds, which had appeared in the '40s as visitors in familiar interior spaces, to take off on their own and fill some fairly large canvases. These are among the oddest and most disquieting of all Braque's paintings. The subject provokes thoughts of soaring freedom, but there is often something terrifyingly earthbound about the compositions, with their heavily worked, hyper-materialized surfaces. Braque's birds are anything but streamlined; this most elegant of artists seems to be taking the risk of awkwardness. The nests that appear in some of the paintings suggest that a new life is beginning, but these nests also force the grown-up birds to stay close to home. Braque is thinking about the pull of the earth as much as the glory of flight.

There could be no better setting for Braque's paintings, which are at once imperious and austere, mystical and matter-of-fact, than the severely elegant galleries of Houston's Menil Collection. Dominique de Menil, who is the guiding intelligence behind this unique American institution, is a collector who knows that the absolute materiality of art can take on a spiritual dimension, and she has created a complex of buildings in which those transformations take place, time and again. Her museum includes beautiful Russian icons and South Seas and African idols (which Braque also collected). Nearby buildings house the Rothko Chapel and (the complex's most recent addition) a Byzantine Cypriot Chapel with remarkable thirteenth-century frescoes. At the Menil you are always aware of that leap into the beyond that some of the greatest art achieves, and in Braque's paintings you find a master of the close-to-home subject who is also one of the century's greatest poets of the impalpable, the evanescent. These are not paintings that you can feel half-way about. You may be made uncomfortable by their stand-alone assuredness. But if you like them you will probably love them; and if you love them you may feel, while you are in their presence, that there is no other painter who matters.

I can't remember when I didn't love Braque's late paintings, and on a few occasions I have seen them under perfect

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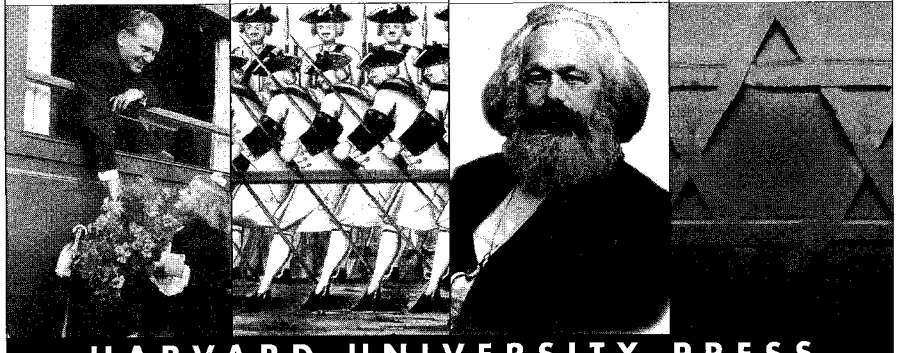

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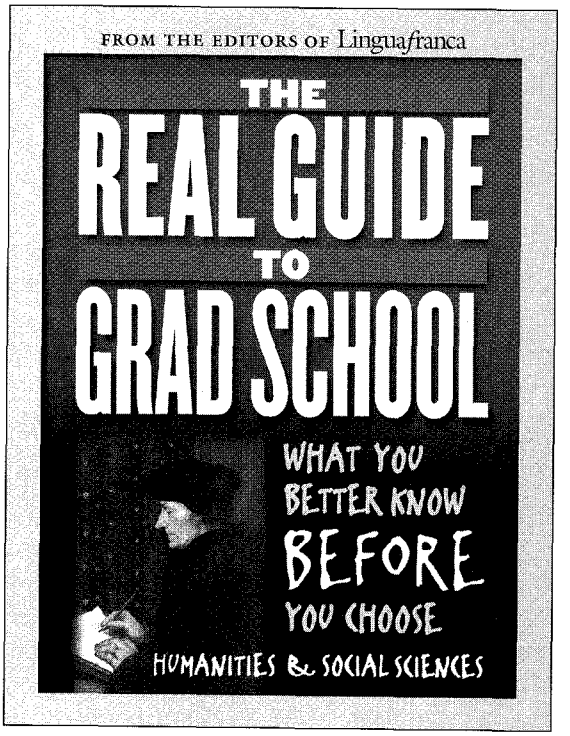

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conditions. There was the show at the Phillips in 1982, and several installations in France, one of late landscapes at the Léger Museum in Biot and another at the Fondation Maeght in St.-Paul-de-Vence. But I have never seen these latest and greatest of Braques presented as well as they were in the Menil Collection's luminous interiors. Braque's paintings can hardly be appreciated without natural light, and the Menil's ingeniously skylit galleries, which were designed by the architect Renzo Piano, gave Braque's dense and complicated surfaces the delicate natural illumination that is needed to bring out this artist's subtlest shifts in tone and touch. As I rounded a corner into the last room, which was filled with the Birds, the sun was breaking through a rainy Houston afternoon. A burst of light, streaming through the ceiling's louvered panels, turned this gathering of winged forms into a glimpse of paradise. •

The Typist

BY FREDERICK BROWN

Simenon: A Biography by Pierre Assouline translated by Jon Rothschild

(Knopf, 447 pp., $32.50)

One of the pivotal moments of Georges Simenon's career occurred in 1927, when, at the age of 23, he was already established as a prolific author of pulp fiction, with sixty novels written under numerous pseudonyms. Big-circulation tabloids were vying for supremacy, and Eugène Merle, who had founded three or four in quick succession, devised a kind of circus stunt to launch *Paris-Matin*. Simenon would produce a serial novel in public. Occupying a glass cage at the Moulin Rouge or some equally conspicuous site, he would elaborate a subject and develop characters chosen for him by newspaper readers in a national referendum. The *roman-feuilleton* was to be completed within a week, whereupon Simenon would receive "no less than 300,000 francs."

Paris-Matin went bankrupt before any of the caper took place, but Simenon's non-exploit came to be remembered as a fait accompli, at once aggrandizing and stigmatizing the putative virtuoso. "Georges Simenon would forever after be known as 'the man who wrote a novel locked in a glass cage,'" notes Pierre Assouline in his vivid biography. On every level France has made myths that suit its fascination with speed, and perhaps this one, preserved since the 1920s by various memorialists, may be seen as a venal counterpart of automatic writing. The man improvising episodes in his glass cage was to popular literature what the surrealist openly "taking dictation from the Unconscious" was to avant-garde poetics.

Had Simenon followed the path envisaged for him by his parents and his teachers, he almost certainly would have been, in 1927, a frantic priest visiting whorehouses every chance he got. His wayward journey began three years after the turn of the century, in the Belgian city of Liège, where he was born to an ill-assorted couple named Désiré and Henriette. Désiré, whose forbears had inhabited Wallonia since the seventeenth century, earned a meager livelihood as an insurance agent. Genial and meek, he seemed content with his lot—unlike Henriette, who, issuing from a once-prosperous family marked by bankruptcy, alcoholism, and madness, had many ghosts to fend off. While Désiré worshipped at the altar of petty-bourgeois regularity—always opening the newspaper after dinner, always keeping the clock wound—Henriette sought comfort in religion and, indeed, looked the part of the parishioner who never misses mass. Neither one emitted much warmth. Désiré loved Georges but, trussed-up as he was, could hardly say so, and expressed himself best in complicit winks intended to arm the boy against Henriette's tirades. Henriette did not love Georges, and when another son arrived, she made her preference for him clearly felt. (This was a humiliation that Simenon had in common with Balzac.)

His shrewish mother may have done more than his benign father to shape Simenon's course through childhood, for what drove him incessantly were rage and the desire to please. Educated in Catholic schools on half-scholarship, he made a model altar boy, even as he dreamed of deliverance from the parochial expectations with which Henriette hedged him in. As Assouline describes it, two people helped him to find purchase outside her authority. One was an adolescent vamp who initiated him when he was 12. The other was a young lay teacher who nurtured his love of literature and applauded his compositions, which were often signed with the pen name that served Simenon for many years, Georges Sim. Under Henriette's jaundiced eye, he read novels voraciously, wolfing down much of Dumas, Dickens, Conrad, Arthur Conan Doyle, and Robert Louis Stevenson.

Simenon quit school at 15, in 1918. After miscellaneous adventures, he fetched up in the newspaper world, where energetic young men were needed to fill the ranks thinned by war. Before long, quirks of personality that had been a private affair became a public spectacle, with Georges, who could never get too much attention, bidding for more and more. The part of him that felt at home underground, among social outcasts, collaborated on a scandal sheet called *Nanesse*, whose owners were eventually found guilty of murder. He wrote at least one libelous piece for them. But the Simenon enamored of tradition, of lineage, of châteaux, of aristocratic privilege sought employment at the *Gazette de Liège*, a Catholic right-wing journal that Henriette would have found respectable, and there he made his mark.

From the first, nothing daunted him. Given assignments of every kind—crime stories, among others—he greatly impressed the publisher, who, despite his schoolmasterish demeanor, was gambler enough to let the 17-year-old have his own column. During the next few years, Simenon turned out 784 installments, and more besides. "Apart from his ... columns, he wrote about gambling in Liège and about doctors' views of physical education. He covered the Liège-Bastogne-Liège bicycle race, following the contestants on a big Harley-Davidson, and he did a piece on smugglers in occupied Germany."

This ephemera was not all forgettable, or soon forgotten. It argued not only his prodigious facility but, in one instance, a bigoted worldview that he was never to outgrow. Between June and October 1921, Simenon published seventeen long articles entitled "The Jewish Peril." Drawing heavily upon *The Protocols of the Elders of Zion*, the so-called "covenant" that became Europe's best-seller after the Bible and remained a best-seller even when Philip Graves of

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the London *Times* exposed it in 1921 as bogus, Simenon accredited every fable concocted by anti-Semites to demonstrate the existence of a world Jewish conspiracy. Jews were the *éminences grises* behind all important gentile politicians, the puppeteers responsible for red revolution here and capitalist skulduggery there. Nefarious Jews were legion, he declared, with names ready at hand. "In the light of [my] enumeration, which could be extended far longer, it may perhaps be understood that the role of the Jews in international affairs is not purely imaginary and that a Jewish peril really exists, against which national and especially Catholic forces must struggle." This cant did not offend readers of the *Gazette de Liège.* On the contrary, young Simenon, like young Paul de Man two decades later, was preaching to the faithful in a country whose francophone population had been generally anti-Dreyfusard. It sold many papers.

Local popularity made him ambitious of greater fame. In November 1921, Désiré died, and the loss apparently freed Georges to cast his net abroad. One year later he left Liège for Paris, with a letter of introduction from the *Gazette* to Jean Binet, a novelist known in postwar France as much for his jingoist speeches at anti-republican rallies as for his potboilers. Binet introduced him to Raymond d'Estutt de Tracy, a rich aristocrat who needed someone to help run his affairs, which included, besides a large estate several hundred kilometers south of Paris, an important regional newspaper. For two years, Simenon lived at Paray-le-Frésil and did as bidden: filing papers, answering mail, organizing game shoots, and occasionally writing articles that echoed De Tracy's xenophobic creed. He might have stayed longer had his employer not denied him female companionship. The situation became untenable after March 1923, when Simenon, in a religious ceremony held at Henriette's behest, married a brainy, accomplished young woman from Liège named Régine Renchon, or "Tigy."

Determined now to be his own man, Simenon survived with bohemian ingenuity while propagating countless stories. In due course one such story was accepted by Colette for her husband's newspaper *Le Matin*, and this success, which came only after he had heeded her admonition to "get rid of all the literature," acted as a powerful fillip. Assouline can't quite explain how (there is no adequate explanation), but the Simenon household soon became what it would remain: a fiction mill. Crime stories, lewd tales, romances, adventure novels poured from the flat on the Place des Vosges, amidst clouds of pipe smoke. Tigy, who had studied art, gave up a possible career in painting to assist her demiurge. She edited him, or did whatever one could reasonably do with eighty pages a day, and otherwise kept careful account of family finances, which bloomed. In 1927, when most young journalists would have considered 10,000 francs a year handsome recompense, Simenon earned over 111,000. Between 1924 and 1931 he published 190 pulp novels, including, for example, *The White Monster of Tierra Del Fuego, The Dwarfs of the Cataracts, The Eye of Utah* (cribbed from Stevenson's *The Dynamiter*), *The Fugitive Fiancé, Lake of Anguish.*

As indefatigable as his pen was his libido. Indeed, the relentlessness of both suggests that for Simenon fabulation and fornication were cognate activities, that they incited each other like the strokes of a reciprocating engine. Early along, a robust blond Norman girl nicknamed Boule entered the household as cook, only to become Simenon's lifelong mistress. The intramural subterfuges of this ménage à trois aroused him. They always would. Even so, commuting between two beds at home didn't satisfy certain fantasies that drove him to brothels. "The famous 'house' maintained by

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Madame Hélène at 26 rue Brey in the Étoile quarter was [a favorite]," writes Assouline. "Several times a week or several times a day, depending on his financial resources ... Simenon would drop in ... to visit 'the most charming women in Paris.'" For exotica, Simenon ventured farther afield. In 1925, after seeing *La Revue nègre* at the Champs-Elysées Theater, he found himself utterly smitten by Josephine Baker, with whom he proceeded to have an affair. It inspired, among much else, a rhapsodic article, quoted at length in this biography, on her well-rounded posterior.

Hundreds of books, hundreds (or thousands) of women. If Simenon's ultimate fantasy was to work himself free from boundaries and conventions, a peripatetic life made more sense than a city flat, which may be why he ended up in 1928 spending half the year navigating France's waterways. This voyage prompted a longer one. No sooner had he returned to Paris with Tigy and Boule than the three set forth again, aboard a large cutter specially built for Simenon, who, eager no doubt to be seen as a barbarian rover, named it *The Ostrogoth*. In 1929 and 1930, they sailed all over Europe and beyond the Baltic. Halts were made at Liège, at Amsterdam, at Emden, at Wilhelmshaven on a whimsical course that finally took them north to Finnish Lapland.

Throughout, Simenon's production never slackened. He wrote under all circumstances, and, by his own account, adversity served him well, favoring the emergence of the most important character he ever created, Inspector Jules Maigret. It was at a Dutch port called Delfzijl, where *The Ostrogoth* had been hauled in for recaulking, that Maigret took shape. Marooned with a new crime novel barely underway, Simenon suddenly "saw" Maigret, and, forty years later, described the epiphany as follows:

> I can see myself now, sitting in a café one sunny morning.... Have I had one, two, or even three small schnapps spiced with a few drops of bitter? One way or the other, an hour later, slightly sleepy, I began to picture the powerful, impassive bulk of a gentleman I thought would make a passable inspector. I added various accessories as the day wore on: a pipe, a bowler hat, a thick overcoat with a velvet collar. And since it was cold and damp on my abandoned barge [he used it to write], I put a cast-iron stove in his office.

Assouline demonstrates that in fact Maigret was conceived not all at once but piecemeal, acquiring his name in one novel and his essential features in another two or three. But the history of his gestation during that voyage seems less remarkable than the paradoxes of his birth. Where, except at sea, should Simenon have realized a sleuth whose genius is for penetrating dense social milieux? Where did Simenon the fugitive find himself if not in Maigret the pursuer? And whom did Simenon the grandiose expatriate conjure up most felicitously if not Maigret, the guardian spirit of *la France profonde*?

This non-intellectual guardian, who sets matters straight with ursine authority, profited from the political upheavals and economic woes that beset France after 1930. Having invented a hero for his times, Simenon became immensely famous. New Maigrets appeared every few months, translations followed anon, and the inspector acquired a cinematic life in films by Renoir and Duvivier. Literary Paris, which disdained Simenon, disdained him less confidently when Gaston Gallimard, the publisher whose imprimatur was synonymous with literary excellence, stole him from Fayard. Simenon disdained them right back, or pretended to. Although hungry for every possible reward, for the honor of virtue as well as the pleasures of vice, he comported himself like a French Gatsby, sporting his wealth revengefully.

"He has a marked taste for the social distinctions of the rich," observed his friend Maurice Vlaminck. Suits were ordered from Savile Row and wines from the great estates of Médoc; apéritifs were drunk at Fouquet's, where one particular table bore his name; meals were taken at gastronomic shrines. In Paris he had a fashionable address near the Bois de Boulogne. In the countryside he rented old châteaux—the older the better for a man who once claimed that he was always on the move because he had neither "anchorage" nor "country." To understand Simenon is to recognize the emotional interplay between castles and boats. Like many nomads, he dreamed of possessing a self rooted in sacred soil, or in some ideal ancien régime.

Simenon's infatuation with feudal order flowed from his profound disconnectedness. "The myth of the 'noble provinces,' a pendant to that of the 'noble savage,' is recurrent in his work," writes Assouline. "This fundamentally unstable man, who never managed to find his place in society despite efforts sometimes tinged with pathos, nevertheless cherished the illusion of an Old Europe of indestructible, immanent values. This imaginary region, buried deep in his memory and peopled with craftsmen, peasants, and nobles, was a world resolutely hostile to progress and the machine age." Assouline might have gone on to observe in this connection that Simenon's existential mimicry was bound up with the most admirable qualities of his writing. The actor he couldn't help being effortlessly impersonated a multitude of characters, with perfect pitch for the accent of class and the ring of believable dialogue.

Hostile to progress, he nonetheless ran full tilt through the 1930s, from Paris to the Charente, from Porquerolles to equatorial Africa (on a journalistic assignment that yielded six articles collectively entitled "L'Heure du Nègre") and finally around the world. In 1939, after sixteen years of marriage, Tigy bore him a child, but fatherhood only gave him pause. Or one may safely assume that that is all it would have done if war had not broken out five months later. When the Germans occupied France, he installed his family in a Renaissance château at Fontenay-le-Comte, near La Rochelle. There, and thereabouts, they lived until 1945.

Simenon—who wrote to his mother in March 1941, "I have confidence in the offensive, and hope that the English will not hold out much longer"—did not suffer under Nazi rule. What bothered him most were restrictions on travel in the Occupied Zone, which meant that he needed an *Ausweis* to visit his brothels and publishers in Paris. But travel passes could always be had, either by regaling the local Kommandatur or by importuning collaborationist friends who held sway over the literary world. With little inconvenience, Simenon lived as a prosperous country squire. His novels were serialized in such Vichy organs as *Paris-Soir* and *Le Petit Parisien* and adapted for the screen far more regularly than during the 1930s. On March 19, 1942, when French Jews were already being rounded up en masse, he gave the German-run production company Continental exclusive rights to Maigret in a contract that required assurances of his pure Aryan origin. From this arrangement came eight or nine films and enough money, 500,000 francs, to blunt the point of Resistance leaflets denouncing Continental as another arm of Berlin. Resistance didn't concern him until an Allied victory seemed inevitable.

Had Simenon been a collaborator? Certainly the case against him was not as flagrant as the case against writers such as Pierre Drieu La Rochelle, or, for that matter, against his own younger brother, Christian, who had belonged to the pro-Nazi Belgian militia responsible for massacring civilians at Charleroi toward the end of the war. (Condemned in absen-

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tia, he assumed a false identity in the Foreign Legion, at Georges Simenon's urging.) But military police kept him under house arrest for months while purge committees considered that question. The investigation resulted in an order that he be banished from France. By then, Simenon, characterized in official reports as "a Germanophile opportunist," had left of his own accord, with help from the Belgian embassy, which issued him a travel authorization to conduct "literary and cinematic business" in Canada.

Simenon remained abroad for ten years, most of them in the United States. Here he started life anew, divorcing Tigy, marrying a French Canadian named Denyse Ouimet, who bore him two more children, and buying a small American castle in Lakeville, Connecticut. As ever, novels tumbled out of him in profusion—twenty-seven during his five-year sojourn in Connecticut—and friendly overtures were made by several American writers, notably Thornton Wilder and Henry Miller. Time whitened the sepulchre. In April 1952, France's Judiciary Police, which had recommended his banishment, issued a silver badge in Maigret's name and offered it to Simenon at an official reception. Several weeks later, before Queen Elizabeth, he was inducted into Belgium's Royal Academy of French Language and Literature.

Simenon would write many more novels. He would discover new brothels. He would build himself a huge boxlike villa oddly devoid of ornament near Lausanne. He would divorce Denyse, who suffered nervous breakdowns. Describing at length the coils and the wreckage of this extravagant life, Assouline's biography is a treat for teratologists. To be sure, one feels that it would hang together better if, with so much happening, Assouline paused more often over certain particularly resonant details or looked backward to survey the whole. He notes, for example, that Simenon "hated—and the word is no exaggeration, he used it often in radio interviews—all great international associations, whether communist, capitalist or cosmopolitan. He was a convinced advocate of the myth of 'the two hundred families who control France.'" But several chapters later we are told, without comment, that in America during the early 1950s he was shocked by Senator Joseph McCarthy. "Simenon passionately followed the radio broadcasts of the hearings held by the senator-inquisitor's permanent subcommittee. The torrent of mud, hatred, and injustice dissipated his last illusions about a democracy he

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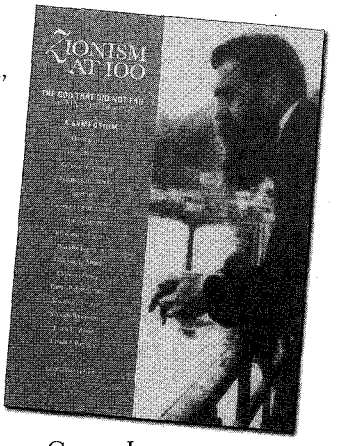

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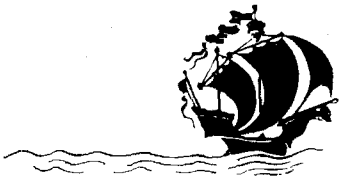

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had tended to idealize: 'I was angry at McCarthy and his ilk for sullying 'my' America,' he would later say." *His* America! One wonders how this exemplary appropriation took place, and by what marvelous act of legerdemain he substituted a democrat for the crypto-fascist he had always been.

Assouline's intelligence, cultivation, and narrative skill are apparent throughout his book. Like his biography of Gaston Gallimard, this one is a feat of comprehensive research; and the story, as he tells it, reflects powerfully on our whole tormented century. What is unexamined in Assouline's book, however, is the way in which Simenon's paranoid view of human affairs underlay his vocation. Did the young journalist using *The Protocols of the Elders of Zion* to elucidate a world conspiracy not prefigure the detective repeatedly unmasking rapacious subverters of the social order? And if those articles on the Jewish peril bespoke his need for approbation from a mother who felt imperilled all her life, did Maigret's shuffling investigations give Simenon the bulk he lacked as Henriette's less important son?

FREDERICK BROWN is the author, most recently, of *Zola: A Biography* (Farrar, Straus & Giroux/Johns Hopkins University Press).

The Road from Serfdom

BY CASS R. SUNSTEIN

Socialism and War: Essays, Documents, Reviews Volume 10 of The Collected Works of F.A. Hayek edited by Bruce Caldwell

(University of Chicago Press, 280 pp., $36)

Friedrich Hayek was the most persistent and influential critic of socialism in this century. For this reason, among others, he tends to inspire hero-worship, or at least devotion. John Gray writes, for example, that "there can be no doubt that Hayek's reformulation of classical liberalism" creates "a body of thought as powerful as any that can be found within the classical liberal writers and far more resistant to criticism than was classical liberalism itself." Hayek was also astonishingly prolific, with published works in no fewer than eight decades, from the mid-1920s until 1992, the year of his death. Born in Vienna in 1899, fully eighteen years before the Bolshevik Revolution, he wrote some of his greatest works during World War II, and also after the turbulence of the late 1960s. He received the Nobel Prize in 1974, at the age of 75, well before the publication of the last two volumes of his influential three-volume treatise, *Law, Legislation, and Liberty*. One of his most ambitious and far-ranging works, *The Fatal Conceit*, was published in 1988, just before he turned 90. A recipient of the Presidential Medal of Freedom in 1991, Hayek outlived communism. He died in a reunified Germany.

Hayek is best-known for *The Road to Serfdom*, which appeared in 1944. It attacked "collectivism" in the spirit of "classical liberalism"; and it was dedicated, without the slightest trace of irony, to "the socialists of all parties." Hayek urged that because of their enthusiasm for centralized government, England and America were going down the same path as Germany. "It is necessary now to state the unpalatable truth that it is Germany whose fate we are in some danger of repeating.... If it is no longer fashionable to emphasize that 'we are all socialists now,' this is merely because the fact is too obvious. Scarcely anybody doubts that we must continue to move toward socialism.... Is there a greater tragedy more imaginable than that, in our endeavor consciously to shape our future in accordance with high ideals, we should in fact unwittingly produce the very opposite of what we have been striving for?"

After its initial printing of 2,000 copies, *The Road to Serfdom* became a publishing phenomenon, with millions of copies sold. Recently the book has been especially popular in Eastern Europe; a fiftieth-anniversary edition was published in 1994, and sales continue to climb worldwide. An ambivalent traditionalist, and author of a famous essay called "Why I Am Not A Conservative," Hayek has nonetheless been an inspiration to many modern conservatives, whose thinking often bears his distinctive stamp. In the United States, England, and elsewhere, influential conservative movements are populated by people who are, in one or another sense, Hayek's descendants.

The University of Chicago Press is now in the process of publishing Hayek's collected works. The ultimate plan is for nineteen volumes. *The Fatal Conceit, The Trend of Economic Thinking, The Fortunes of Liberalism and the Austrian School, Contra Keynes and Cambridge*, and now *Socialism and War* have already appeared (not in the proper chronological sequence), together with an autobiographical work, *Hayek on Hayek. Socialism and War* is certainly the most fascinating volume so far, because it provides a snapshot of political debates before and during World War II, and because it contains early versions—as well as the analytical heart—of the arguments for which Hayek is most famous. Most important, the foundations of *The Road to Serfdom* are contained in a short essay from 1938 and in an expanded version of that same essay, published a year later. The book deserves careful attention, for its own sake and for the occasion that it provides for a more general assessment of Hayek and of the relevance of his ideas to contemporary debates.

Socialism and War is divided into three parts. The first is an attack on various versions of socialism, especially some creative proposals for "market socialism." Despite their apparent abstruseness, Hayek's skeptical remarks about the possibility of "socialist calculation" bear a great deal on current debates in Eastern Europe, certainly, but also in other places, including the United States, Japan, England, France, and Germany. The second part of the book deals with the economics and the politics of war. Might a little socialism be necessary during wartime? In circumstances of war, isn't a form of national planning indispensable? Hayek's answer will not be surprising. The third and most important part of the book contains much of the core of *The Road to Serfdom*, and also some intriguing essays on the subject of planning and on the tendency of the intellectuals of Hayek's day to look kindly on socialism. The latter essay offers some fine remarks on how concern for the esteem of others can lead apparently independent people astray: "[A]lthough outside intellectual circles it may still be an act of courage to profess socialist convictions, the pressure of opinion among intellectuals will often be so strongly in favor of socialism that it requires more strength and independence for a man to resist it than to join in what his fellows regard as modern views."

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Before getting to the details of Hayek's arguments, some historical notes are in order. The essays in this book were written in the 1930s and 1940s, and while most of the arguments do not seem dated, it is clear that they were devised in a context very different from our own. Sometimes Hayek writes as if he is a voice crying in the wilderness—as if most of his friends are socialists, as if almost all intellectuals are socialists, as if socialism has become a kind of official religion. (In the same vein, his preface to *The Road to Serfdom* says that "I have every possible reason for not writing or publishing this book," especially because an attack on socialism "is certain to prejudice the reception" of his other, more technical work.) Throughout there is a sense of embattlement, of intellectual isolation. We should not doubt that his apprehensions had a basis in the realities of intellectual life in his time. At the end of the twentieth century, though, committed socialists of the old school seem to have vanished, even in academia. (Academic radicals exist, but most seem barely to care about government.) Are we all Hayekians now? If so, it would be good to know in what sense. If not, it would be good to know why not.

The central essay in *Socialism and War*, "Freedom and the Economic System," was published in 1939. Its immediate motivation is to show that fascism and socialism are not opposites, that they are of a piece. The defining characteristic that they have in common is centralized control of the economy. "The similarity between many of the most characteristic features of the 'fascist' and the 'communist' regimes becomes steadily more obvious." In this way Hayek's claims are a detailed response to the many people who thought, in the 1930s, that Germany's National Socialism was a capitalist reaction against socialism, or that socialism was the best or only alternative to fascism. In 1939, Hayek's thesis was violently controversial.

More generally, Hayek's argument might be seen as a distinctive answer to Hobbes, who thought that an all-powerful state, a Leviathan, was necessary to solve the problem of social order. Hayek argues that a market system, built on general law and producing an economy rooted in decentralized choices, can offer not only economic growth, but also freedom and order. According to this view, decentralization, not dictatorial control, is the solution to the problem of social coordination. Hayek's argument is based on the lack of information of any planner or dictator, and the comparative informational advantages of decentralized processes that incorporate the knowledge and the experience of thousands or millions of human beings. Thus Hayek's claims on behalf of the market are rooted not in human knowledge and rationality but in human ignorance. As he wrote elsewhere, the "argument for freedom ... rests on the fact of our ignorance and not on the fact of our knowledge."

The essay begins with an opposition between nineteenth-century liberalism, which Hayek sees as committed to freedom properly understood, and socialism, which, in various forms, is urged by twentieth-century liberals favoring "collectivism." Thus Hayek's basic target is the "gradual advance towards collectivism in the countries which still cherish the tradition of liberty." In his view, it is no mere chance that despotism follows any significant expansion in the powers of the state. When the state expands its control over economic life, there will also be suppression of intellectual and cultural freedom—a case study in the law of unintended consequences. "A careful examination of the transition undergone by countries which only recently seemed the most 'advanced' in the social and political sphere and which have now passed into a stage which we are inclined to associate with the distant

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past, actually reveals a pattern of development which suggests that these were not unfortunate historical accidents but that a similarity of methods applied to achieve ideal ends, which were approved by almost all men of good will, was bound to produce entirely unanticipated consequences."

As Hayek recognizes, this point is not itself original. What he wants to identify, however, is the social mechanism that makes it true. Here he makes a significant contribution, showing that whether or not they "optimize" anything, markets tend to solve a problem of limited knowledge. Hayek's fundamental claim is that limits in information, and the limited rationality of human beings, are central elements of the argument for markets and against planning. Incorporating the private decisions of innumerable individuals, markets operate on the basis of far more information than any planner can possibly have.

At this point Hayek distinguishes more sharply between liberalism and collectivism, by identifying two different roles for law. In his view, there is nothing wrong with that form of "planning" that occurs through a system of general rules, which are announced in advance and equally applicable to all. In this kind of "plan"—Hayek later came to identify it with the rule of law—no one needs to know, in advance, who will benefit and what will emerge, and individual initiative is given a wide scope.

> These rules (of civil and criminal law) are general not only in the sense that they apply equally to all people, but also in the sense that they are instrumental in helping people to achieve their various individual ends, so that in the long run everybody has a chance to profit from their existence. The very fact that the incidence of their effects on different individuals cannot be foreseen, because these effects are spread far too widely and the rules themselves are intended to remain in force for a very long period, implies that in the formulation of such rules no deliberate choice between the relative need of different individuals or different groups need or can be made, and that the same set of rules is compatible with the most varied individual views about the relative importance of different things.

In the liberal system, government makes general rules without making concrete decisions about the ends to which production is directed. There is no judgment that some people should be benefited and other people should be burdened. People can act according to their individual goals. Above all, diverse people can coordinate their actions as they see fit.

At the opposite pole is a system of planning in which public officials decide "for the people what they have to do at each moment." In a collectivist system, the economy is "directed," in the sense that the central authority makes decisions about the concrete use of available resources. However well-intentioned they may be, the planners face a crucial deficit in information. "The knowledge which guides production is no longer combined knowledge of the people who are in immediate charge of the various operations—it is the knowledge of the few directing minds which participate in the formulation and execution of a consciously thought-out plan." This is the kind of planning that emerges when an industry is given price floors or ceilings, or told not to exceed a certain level of output, or restricted in its total number of shops.

It is here that Hayek introduces the organizing idea of this book, and of almost everything he wrote: the idea of spontaneous order. By this term, Hayek means to refer to what emerges from human interaction but not from human design. There is no authority, human or divine, that imposes order. Order comes from the decentralized decisions of individual participants. The model is the establishment of a price for goods. Prices are not chosen by anyone in particular, though they are an outcome of human choices. The "unconscious collaboration of individuals in the market leads to the solution of problems which, although no individual mind has even formulated these problems in a market economy, would have to be consciously solved on the same principle in a planned system."

Hayek submits that, on purely economic grounds, a system of spontaneous order is far better than one of planning. It is likely to be much more productive and efficient. Lacking the knowledge of market participants, planners will inevitably make big mistakes. Yet Hayek insists that the economic argument is secondary—that moral considerations are primary. The spontaneous order of the market has moral advantages too, and those moral advantages are the crucial ones. "The conflict is one of ideals rather than merely material welfare."

Hayek's moral argument is founded on the fact that a planner will have to make choices about people's ends, and about the hierarchy among them; and in his view, such choices are best made in a free society, by individuals in a decentralized fashion. Of course, people disagree a great deal about ends, unless those ends are stated at a high level of abstraction and generality. This creates a large problem for a planner, who must constantly choose among ends—between doctors and schoolteachers, between housing projects and electricity projects, between bathrooms and farms. "Comprehensive economic planning ... presupposes a much more complete agreement on the relative importance of the different social ends than actually exists, and that in consequence, in order to be able to plan, the planning authority must impose upon the people the detailed code of values that is lacking."

Planning, in other words, is necessarily a matter of favoring some and

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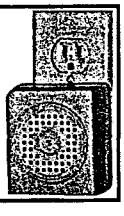

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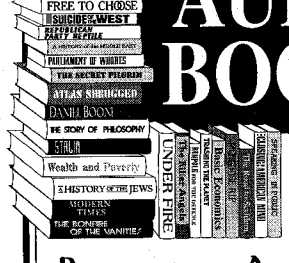

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disfavoring others. For planning to work, therefore, a society needs something like a scale of values. Yet no such a priori and uncontested scale exists. In the absence of any absolute authority, democratic assemblies will have to delegate authority to a body of administrative agencies, or experts. But the experts are unlikely to agree with one another. Hence there is a further pressure, to shift authority to some kind of manager or director of affairs, one who is freed from the fetters of democratic procedure. If planning is really going to work, moreover, it will ultimately be necessary to control the spread of information. Thus the suppression of individual freedom will come not merely from dramatically expanding the scope of government, but also from the prerequisites of any acceptable "plan."

To this account, Hayek adds another point. Suppose that planning is undertaken for the sake of justice, which is often the specific ground on which it is defended. Once this begins, there will be no logical stopping point. "Inequality is undoubtedly more readily borne if it is due to accident, or at least to impersonal forces, than when it is due to design." Once the government is in the business of correcting perceived injustice, it "cannot refuse responsibility for anybody's fate," and "dissatisfaction with one's lot will inevitably grow with the consciousness that it is the result of human decision." For this reason, planners often find themselves in the position of constantly redistributing income in socially preferred directions. This project is disastrous to liberty, says Hayek, and to the creation of wealth.

Hayek's claims about wartime policy follow directly from his argument against planning. He wants to show, against the common view, that rationing and price-fixing are bad strategies even in circumstances of war. A "scheme of rationing would not—and could not—take real account of the urgency of various needs." Here, too, the government's informational deficit is crucial. No national agency is in a good position to choose appropriate prices, or to decide how much of a specified material should be allocated to one industry and how much to another. And once goods are rationed or prices are fixed, a firm cannot know whether, in using some essential material when a cheap substitute is available, it is wastefully using a scarce good. Both price-fixing and rationing will cause inefficiency and waste, and throw the "burden of securing economy on a bureaucracy which is neither equipped nor adequate in number for the task." This would have several bad

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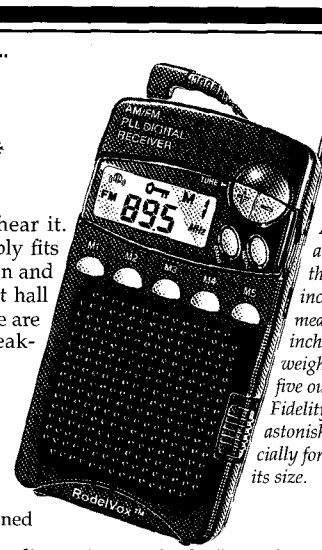

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Sleeveless skin peeling
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In light the color of eucalyptus:
Time dried to a powder.
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On the planet. Her body,
A brand on it: scissor, wedge,
Tent opened on

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Her bar horizontal.
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In the standing. As in ox
In its yoke, as in
Ace played, lancet

Arch, little bird
With folded wings
Waiting. Look at her there

So like herself! The sky
Is a room behind her, and she,
The article in it, the letter of

The name she stands for.

KATHY FAGAN

consequences. It would greatly worsen the conditions of the civilian population; it would also harm the war effort—first, by making the economy in general work less well, which is not very good for national requirements during war, and second, by making the military authorities responsible for obtaining war materials know little or nothing about the actual prices and the costs of goods that they use.

Hayek's discussion bears on government controls in all emergency conditions, not just during war. His wartime papers also offer brief discussions of considerable historical interest. One of them broaches a surprising and illuminating alliance between Hayek and Keynes (who was, at the time, Hayek's great rival) about how to finance the war (basically, through a separate war tax, to be retained by the government as blocked savings accounts).

Hayek's objections to planning underlie his discussion of some unusual forms of socialism, including "market socialism." In the 1930s, many observers enthusiastic about socialist goals came to question socialist means. Above all, they agreed that central planning could not work. Some inventive socialist economists, most notably Oskar Lange, sought to combine the market with modest kinds of planning. Essentially, Lange urged that both wages and consumer good prices should be set by the market, while the prices of industrial goods would be set by a central planning bureau placed in charge of investment and accumulation. The planning bureau would "grope" toward appropriate prices.

The resulting debate is somewhat technical, but in some still-influential papers, bearing on continuing debates in the United States and actual practices in Japan, Hayek responded that if wages and prices of consumer goods were to be determined by the market, there was no justification for failing to allow industrial prices to be determined by the market, too. Owing to its limited knowledge, the planning bureau could not hope to keep up with people's changing tastes and preferences, and it could not possibly create appropriate incentives for firm managers to find the least costly methods of production.

Are Hayek's claims convincing? To the extent that he is making a purely economic argument, about the relevance of limited knowledge to failed plans, he is saying something true and important. To the extent that he is claiming that there is a tendency for old-style socialist economic planners to assume control over political and cultural decisions as well, he is clearly right (though contemporary developments in Singapore and China suggest that the association between capitalist order and political freedom should not be overstated). Of course, old-style planning has few supporters today, and no serious person urges a "directed" economy. So does Hayek offer arguments worth engaging now? I think that he does. Three of Hayek's more subtle claims raise enduring issues. The first involves the mix between government and the market, or the relationship between them. The second involves the rule of law. The third involves Hayek's most important idea, the idea of spontaneous order.

The term "socialism" can mean many different things, and when an American attacks socialism, or a European embraces it, we may not know quite what is at issue. Hayek's fundamental objection is to the centralized determination of prices and wages. From his papers in the 1930s and 1940s, it is much less clear that he is defending laissez-faire, or objecting to the redistribution of wealth, or attacking a regulatory-welfare state that tries not to plan. In 1976, in the introduction to *The Road to Serfdom*, Hayek observed, in the face of conventional wisdom, that Sweden was "very much less socialistically organized" than Austria or Great Britain; he explained that Sweden had far less central planning and far less nationalization of the means of production. And Hayek had no fondness for laissez-faire. Quite the contrary. He abhorred the term and the principle, insisting instead that markets do not come from nature or fall from the sky. "In no system that could be rationally defended would the state just do nothing. An effective competitive system needs an intelligently designed and continuously adjusted legal framework as much as any other."

On this view, markets are constituted by government and law. They depend for their very existence on legal rules allocating basic rights and saying who can do what to whom. And in some places Hayek suggested that the appropriate legal framework would contain and specify a great deal. In 1945, he wrote that he has always been "in favor of a minimum income for every person in the country," largely but not only in the form of social insurance. At various times he suggested that he would accept maximum-hour laws, laws banning dangerous products, and laws protecting against unsafe workplace conditions and environmental deterioration. Still, in his introduction to the 1976 edition of *The Road to Serfdom*, he acknowledged that "socialism has come to mean chiefly the extensive redistribution of incomes through taxation and the institutions of the welfare state," and from all this "the ultimate outcome tends to be very much the same." This, certainly, is a far less plausible claim. Nothing in his arguments in this book establishes it.

Still, there is in those arguments a more distinctive lesson for the modern state. It involves that form of centralized planning that, in the United States, sometimes goes by the name of "command-and-control regulation." Command-and-control regulation can

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be found in a wide range of areas, but it is perhaps most prominent, and most important, in the environmental arena. Through such routes government sometimes specifies the technology that firms must adopt, or requires pollution reductions on the basis of the technology that government believes to be "available," or calls for pollution to be eliminated by a specified percentage, or technologies to be improved in certain ways. Here we can find (correcting for certain obvious differences) America's home-grown version of Soviet-style five-year plans. And like their Soviet counterparts, such plans have had a mixed record at best, with excessive costs, endless extensions, and ineffective controls.

There is a distinctly Hayekian problem with these strategies. It is the government's informational deficit. When government is trying to "force" environmentally preferred technology, how can it know whether it is forcing too much or too little? How can planners possibly know which technology is (or is going to be) best, or what percentage reduction, in sulfur dioxide or particulates, makes best sense for each of hundreds or thousands or millions of pollution sources? The Hayekian solution need not be a form of environmental laissez-faire (which means reliance on the common law of tort, contract, and property). For good Hayekians, the proper approach is incentives rather than command-and-control.

Thus, government might impose a tax or fee on polluting activity and let the market do the rest. Financial incentives allow a great deal of flexibility for private adaptation; they provide for a kind of spontaneous order. And lest the proposal seem exotic, we might notice that the government's phase-out of both lead in gasoline and chlorofluorocarbons (which are destructive of the ozone layer) has been accomplished by Hayekian approaches of precisely this kind. Hayek's criticisms of socialist planning may seem anachronistic, but they undergird the most advanced and forward-looking revisions of modern environmental policy. Do Hayek's principles bear also on the redesign of other policies that seek to correct a genuine failure of the market but also strain government's limited capacities? This question lies at the heart of many current controversies, including welfare reform, health care, and education. These contexts contain important differences, of course; but if the environmental arena is any guide, Hayek's claims will provide a part of appropriate solutions.

The rule of law was one of Hayek's abiding concerns. We might suggest that

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Now that Gaza and part of Judea/Samaria (the "West Bank") have been turned over to the Palestinians, the clamor for peace with Syria becomes ever more strident. Haffez Assad, Syria's president, has left no doubt, and it is generally understood that he will not make peace with Israel unless the Golan is returned to him in its entirety and without any conditions.

What are the facts?

Historical Background—The Golan was always part of the Jewish homeland. The Syrian claim to the Golan is tenuous. Syria, as a political entity, did not exist at all until after the first World War.

Even before the establishment of Israel in 1948, the Syrians subjected the villages in northern Israel to almost daily shellings, making normal life impossible. In the 1967 Six-Day War, Syria attacked Israel and was defeated. Israel occupied the Golan Heights and in 1981, for all practical purposes annexed the area.

Syria and its President—Syria is the most destabilizing influence in the Middle East. It is classified by the U.S. State Department as a narcotic-dealing and terrorist state. Its main fury is directed at Israel, which is perceived as a bulwark of Western influence and civilization, both of which Syria totally rejects.

Syria's President, Hafez Assad, is a tyrant, every bit as ruthless as his Iraqi counterpart, Saddam Hussein. Syria is a world center for terrorism. It still harbors Nazi bigwigs, who found welcome there after the World War. Few doubt that Assad was the mastermind in the suicide attack on the Marine barracks in Beirut in which 241 Americans died, and in the explosion of Pan Am flight #103 in which 270 people lost their lives. He oversees one of the largest narcotics operations in the world.

> "With the Golan in Israeli hands, attacking Arabs could be confident of defeat and peace would be preserved. To hand the Golan to Syria is a prescription for war and for Israel's destruction."

Military Security—The Golan is about the size of Queens, NY. If it were part of Syria it would be less than 1% of its territory. But it is of a supreme strategic importance to Israel. Its high ground provides early-warning capability, without which Israel would be subject to surprise attack by the Syrians. Its loss would obligate Israel to maintain a state of mobilization that would be economically and socially untenable. On the Golan itself, there are only two natural bottlenecks through which tanks can advance. Those choke points are defensible and made possible the repulse of 1400 Syrian tanks that attacked Israel in the 1973 war. But with the Golan in Syrian hands, and without the radar installations that would give Israel warning of any military movements, thousands of tanks–backed up by missiles and airplanes–could overrun Israel in a matter of hours. The Golan does not make for perfect defense, but it gives Israel a small breathing space for mobilization.

The Golan is the source of over one-third of Israel's fresh water. In 1964, with the Golan in Syrian hands, Syria attempted to divert these headwaters and to cripple Israel's water supply. It is more than likely that, given another opportunity, Syria would once again attempt to destroy Israel's water supply.

In its keen desire to bring peace to its people, after almost fifty years of war and bloodshed, Israel had been prepared to make far-reaching concessions to Syria on the Golan, in exchange for real peace. But Benjamin Netanyahu, who has promised his people *shalom batuach* (peace with security) is not prepared to give up all of the Golan and to return to the "death trap" borders of 1967 or anything close to them. In order to survive within such borders, Israel would have to rely on the goodwill of the Arab states, most of which—with the recent exception of Jordan and of the cold peace with Egypt—are still in a declared state of war with Israel. An aggressor will attack only if confident of victory. With the Golan in Israeli hands, attacking Arabs could be confident of defeat, and peace would be preserved. To hand the Golan to Syria is a prescription for war and for Israel's destruction.

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the rule of law ideal imposes certain specific requirements: laws must be publicly accessible, noncontradictory, stable, announced in advance, and applied in the world as they are on the books. But Hayek thinks that the rule of law means a great deal more than this. On his view, the rule of law is entirely inconsistent with planning, simply because planners cannot provide and be bound by "general" law. Yet it is possible to imagine a plan that seems general, as in the idea that everyone must increase production by 10 percent each year. The mystery is: What does the requirement of generality forbid? As noted, Hayek does not disapprove of much that is done in the name of the regulatory state. He objects to measures that involve "arbitrary discrimination" between persons. This category includes most importantly "decisions as to who is to be allowed to provide different services or commodities, at what prices or in what quantities; in other words, measures designed to control the access to different trades and occupations, the terms of sale, and the amounts to be produced or sold." Hayek objects especially to price controls. Since they abandon the touchstone of supply and demand, fixed prices will not be the same for all sellers and will discriminate on arbitrary grounds.

Of course, government controls of prices and quantities are usually harmful and sometimes disastrous, and much of what can be said against them relates to their rejection of the forces of supply and demand. But what does any of this have to do with the rule of law? As Hayek recognizes, it is not impermissible for the state to require taxi drivers to show that they have good eyesight, or to ban people from practicing medicine without showing medical competence. Hayek thinks that the rule of law forbids "arbitrary" distinctions. But any judgment that distinctions are "arbitrary" stems not from the notion of the rule of law, but from an independent set of arguments, specifying the appropriate grounds for distinguishing among people and groups. Hayek's argument about "general" law is part of a powerful argument against planning, but it adds little to an understanding of the rule of law. Hayek makes the mistake of associating the rule of law ideal with a particular view about what government should be doing.

Let us turn, finally, to Hayek's most important idea. The idea of spontaneous order is the organizing one for this book, and in his later work Hayek urged that a kind of spontaneous order—a variety of the invisible hand—lies behind many precious social institutions, including language, morals, norms, money, traditions, culture, even law. Each of these can be said to have evolved over time, from no one's intention, and in a highly decentralized fashion—the product of human action but not human design. Through the acts of hundreds, thousands, or millions of people, extending over space and time, knowledge accumulates, errors are discarded, and enduring solutions are found. This idea lies at the heart of so-called Austrian economics, which takes as its central concern the problem of human coordination, through which order emerges not from a dictator, but from the decisions and judgments of numerous individuals in a world of highly dispersed and sometimes only tacit knowledge. In Hayek's own account, the notion of spontaneous order has an unmistakable connection to Burke's account of the wisdom of longstanding traditions.

It should be unnecessary to say that an understanding of spontaneous order presents an enormously important project. Yet it raises many questions. In exactly what sense can markets, Hayek's original concern, be said to be a product of "spontaneous" order? Recall that Hayek acknowledges that markets require not anarchy, but law and government—more specifically, the humanly designed rules of contract, tort, and property. These rules say who owns what and who can do what to whom. When one person owns a lot, and another owns a little, it is largely because the government and the law both announce and enforce certain distributions of wealth. Whatever bargains are struck are a product of background conditions, including legal rights of many kinds, for which public officials are responsible. When property-less people are forced off "private" property, government and law are crucial. Thus market ordering is "spontaneous" only against an elaborate, humanly designed background.

Hayek may respond (as some of his later work suggests) that the relevant law is itself a product of spontaneous order: that the legal rules (property, contract, and otherwise) that underlie markets are also a product of human action but not design, in the sense that they evolved, like the social norms that perhaps they codify, over long periods of time from the decentralized decisions of countless people. This is an arresting claim. It may even be true. Suppose that it is. A further question remains. When a social institution has evolved in Hayekian fashion, should the institution be protected, or respected, for that very reason? About this Hayek was never entirely clear. There is a peculiar and somewhat unruly mixture here of Charles Darwin and Adam Smith. The most basic model of spontaneous order is probably the process of biological evolution, in which Hayek was much interested and to which he was much indebted. Yet evolution has a particular function: the survival of the species. If adaptations have endured, there is reason to think that they serve that function, and if they serve that function, there is a good reason to respect them. But what is the corresponding argument on behalf of the outcome of the spontaneous order (if that is what it is) of the market? Do spontaneous orders really have moral claims as such?

Here Hayek is obscure. To some extent, his argument is based on economic efficiency, and of course markets have efficiency-promoting properties. Still, as Hayek recognized, there are also market failures, to which spontaneous orders may fall prey; and in any case Hayek does not argue that society should see itself as a kind of maximizing machine whose most urgent goal is to promote economic efficiency. Instead his argument has a great deal to do with freedom. Thus Hayek tends to identify spontaneous order with liberty, and to see interference with spontaneous order as coercion or tyranny. Something intelligible does underlie this judgment. If government tells people that they cannot apply for certain jobs, there seems to be an intrusion on freedom.

But surely markets, and the law that makes them possible, can produce coercion, too. In a market system, some people have the power to deprive others of their jobs; and it blinks reality to deny that this power can be coercive. In a market system, people unable to acquire resources may be forced to live in tenements or on the streets; and people's beliefs and preferences may themselves be a product of limited education and opportunities. It is reasonable to say, in such cases, that freedom is at risk. But these possibilities make it necessary to ask what particular understanding of freedom Hayek has in mind. What is the defense of that particular understanding, and why does freedom, thus understood, deserve to prevail over all other values?

Hayek is right to say that some interferences with markets require government to take contentious moral positions; but the ordering of the market itself embodies contentious moral positions. There is no avoiding contentious moral positions. And suppose, for example, that the spontaneous orders that we call markets (constituted as they are by law) ensure that people with the wrong skin color, or gender, are excluded from

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certain positions, or that markets put certain goods, including jobs and perhaps subsistence, out of certain people's reach. Are such orders, simply because they are spontaneous, immune from challenge?

Recall, too, that markets themselves operate on the basis of a single factor: how much people are willing to pay for various goods. Even those who abhor planning should find it extravagant to say that freedom and consumer sovereignty are the same thing. Perhaps citizens in a liberal democracy want to reassess existing preferences, in, say, environmental protection or television programming. The idea of freedom cannot immunize all market preferences from democratic judgment. On such issues Hayek has little to say. His celebration of spontaneous orders is puzzling: he recognizes that the moral argument has precedence over the economic one, but he does not offer much that qualifies as a moral argument.

In this way Hayek emerges as an unlikely and perhaps unmatched mixture of the brilliant and the exasperating. No one has offered a comparably intricate account of the relationship between markets and decentralized knowledge, or of how and why economic planning is likely to fail. In spite of Hayek's claims, however, his attacks on socialism have little to do with the rule of law. And it is possible to doubt whether he contributed much, in this book or anywhere else, to the analysis of freedom, though he was one of its most impassioned modern defenders.

Attacks on "collectivism" were indispensable and brave in the 1930s and 1940s, when so many people admired the Soviet Union and so many observers thought that some form of socialism was inevitable and desirable. But attacks of this kind are far less indispensable and brave at a time when so many people believe that there is nothing that government can or should do to improve the lives of their fellow citizens. To the extent that Hayek is offering a warning about government planning, his lesson is an enduring one. He remains socialism's best critic. Yet he provides no argument against liberal democracies that aim to ensure fair life prospects and decent floors for all, not because they oppose freedom but because they insist on it.

CASS R. SUNSTEIN is the author of *Free Markets and Social Justice* (Oxford University Press).

A Minor Master

BY DANIEL AARON

Robert Penn Warren: A Biography by Joseph Blotner

(Random House, 585 pp., $35)

Joseph Blotner's life of Robert Penn Warren is hefty, buttressed with facts, and reliable. It seldom drags or sprawls, and it sticks pretty close to what he can document. The biographer has benefited from what seems at moments to have been an informal collaboration. Warren encouraged him from the start, took him into his household, invited him to ask what he pleased, gave him access to his correspondence, and replied to his questions with unexpected candor. The modest and self-effacing Blotner, in turn, refrained from thrusting himself between Warren and the reader. *Robert Penn Warren* has the air of an authorized biography, overly preoccupied with Warren's honors and ailments, arrivals and departures, the places where he lived and vacationed, but all in all a meticulous and respectful appreciation that takes for granted Warren's centrality in American literary annals.

An unfriendly reviewer of Blotner's 1,800-page *Faulkner*, which appeared in 1974, jumped on him for failing to "speculate" on the possible connections between Faulkner's fiction and his "emotional life." Blotner's new book is less vulnerable to that charge. If Blotner eschews bold hypotheses, he points out recurring themes, insinuates his hunches in the form of rhetorical questions, and on occasion falls back on those useful locutions "may have," "might have," or, more positively, "must have" which biographers are prone to. Moreover, he has incorporated Warren's volunteered confidences into his decade-by-decade story of a literary life without abusing the privileges of friendship. Blotner's unqualified fondness for the writer whom he calls "America's preeminent man of letters" and (more persuasively) "a genuinely good man" is evident on every page.

This odyssey of a rough-hewn literary saint charts all the dips and rises of his spiraling ascent. It opens in Guthrie, Kentucky, in 1905, and unfolds without benefit of flashbacks or anticipations of things to come until Warren's death in West Wardsboro, Vermont, eighty-four years later. It is a triumphant life as Blotner tells it, slowed down but never stalled for long by calamity and tribulation. An injury to his eye (he would lose it thirteen years later) derailed Warren's appointment to the United States Naval Academy and provoked a botched attempt to chloroform himself during his junior year at Vanderbilt University. ("The fear of blindness got the better of me," he later explained to Allen Tate.) A long and troubled marriage proved nearly as lethal, but he survived that, too, and was blessed by a second happier one. Otherwise, aside from quotidian accidents, nothing dire happened to him. He seldom stopped writing, won many prizes, and died beloved and widely known.

Blotner's book stops short of focusing on matters that Warren presumably confined to himself and to his intimates, but it by no means neglects his personal affairs. Blotner has plenty to say about the first Mrs. Warren, her Italian origins and her "emotional volatility," her pathetic literary pretensions, her jealousy and her wayward drinking, and a lot about her unpopularity with Warren's cronies. On the other hand, he casts little light on why Warren married her in the first place or why they stayed together for more than two decades. Nor does he probe in any depth Warren's tribal affiliations with the men and women to whom he was bonded at one point or another by ideology or affection.

These were of greater import and far more interesting than his casual encounters or the number of his literary awards. Even a few mini-biographies or vignettes of his friends might have brought out undisclosed aspects of Warren's character and personality. John Crowe Ransom, Warren's teacher and father-surrogate, surfaces and sinks without Blotner addressing the nature and consequences of their friendship. Allen Tate, a combination of older brother, critic, promoter, and rival, who once pronounced Warren "the most gifted person I have ever known," is a constant but insubstantial presence. (Was Warren homosexually attracted to this "dapper, charming, and assiduous ladies' man?" Blotner wonders

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to no special purpose.) Warren's complicated relations with Allen and Caroline Gordon Tate are only hinted at. And other actors in the Southern "renaissance," such as Donald Davidson, Andrew Lytle, Cleanth Brooks, Katherine Anne Porter, and dozens of Warren's friends and acquaintances, thread Blotner's narrative with only perfunctory introductions. None is memorably portrayed, including Warren's second wife, the novelist and travel writer Eleanor Clark, who appears in one of his poems as an "instructress in the heart's glory."

All the same, Blotner is the first to block out and make coherent the stages of Warren's life: the growing-up days in Guthrie, not free of desperate moments; the camaraderie of his Nashville fraternity and the friends who challenged, encouraged, and educated him; the academic way stations in the United States and England where he studied and taught; the journals he wrote for and edited; the germs and evolution of his books, articles, and poems. In this mélange of data are the ingredients of a nonfictional *Bildungsroman* about the making of a writer.

Freely summarized, the saga runs like this. The hero (precocious, romantic, intellectually insatiable, a mighty swimmer) honors his incommunicative father, but he finds him less approachable than his strong-willed and purposeful mother. Leaving his Kentucky home, he attends Vanderbilt University where he is welcomed by a band of kindred spirits, the self-defined "Fugitives," in flight from the Victorian sentimentalities of the genteel South. By the mid-1920s, he and his friends have taken a new track. Now they are committed to a defense of antebellum "Agrarian" values and have begun their forays against the policies and the culture of industrial capitalism. From the first, the Agrarians look upon the young Warren as a genius to be pushed, praised, defended. And he, like them, feels his region in his bones—its soil, its topography, its climate, its earthy folkways, its language, its humor. He serves his hitch as a foot soldier in the Agrarian brigade and bushwhacks paranoid abolitionists in his demythologizing *John Brown, The Making of a Martyr* (1929). Warren, be it noted, respected old Ossawattomie's courage and haughty self-reliance but pressed the Agrarian assault against the corrupt Yankeeism "which manifested itself in stealing Guinea niggers, making money, wrestling with conscience, hunting witches, building tea-clippers, talking about Transcendentalism, or being an Abolitionist."

Yet our hero's partisanship is neither fierce nor unrelenting. He shows no talent for polemics, and soon he moves on to what unreconstructed Agrarians such as the stern Donald Davidson consider alien pastures. Further exposure to "a world elsewhere" saps his parochial loyalties. As he evolves into a "philosophical" poet, he steeps himself in the mysteries of time, love, and knowledge, strives "to enact/All that his deepest self abhors" and learns, "in his self-contemplating distress/The secret worth/Of all our human worthlessness." As novelist, he waxes sermonical and writes moral tales, often sensational and horrendous, about corrupted but redeemable people. In the last of them, particularly *Flood* (1964) and *A Place to Come To* (1977), self-deception and suffering are almost the prerequisites for the ultimate illumination and clarifying of his characters. Thanks to his stunning accomplishments in poetry, fiction, history, and criticism, and to his well-received meditations on social issues, he ends in the American Pantheon, side by side with his great contemporaries. So much for the "plot" implicit in the complex but not strikingly eventful life Blotner so agreeably celebrates.

Blotner can be critical of Warren's lapses (or, to put it more accurately, Warren sometimes disappoints him); but he is unwaveringly, and properly, Warren's ally. He takes his subject's greatness for granted. For him, Warren's star still blazes even though his novels, save for *All the King's Men*, are not much in demand, and his poetry isn't getting the kind of attention its advocates think it deserves. How to account for the slackening interest in Warren and his work in circles where he was once a cynosure?

It could be attributed simply to the vagaries of taste. Or Warren's sky-assaulting temperament, his capacious memory and his literary versatility, may have stretched him too thin and sent him off in too many directions. He was always a strong writer, at times a remarkable one, but the intense and unremitting self-absorption, sustained by a legendary energy that kept him at his desk through days of illness, fatigue, and low spirits, also narrowed his audience. His friends might have served him better had they been less loyal and more critical. Everything he read or pondered or observed he seems to have funneled into his varied writings, which are the equivalent of an endless autobiography. Hence the volumes of poetry he published at regular intervals (now reckoned by some to be his major achievement) amounted to a kind of ongoing investigation of himself. Only a small proportion of his work, chiefly his critical essays, has a classic anonymity. For all of his intelligence and technical expertise, an indefinable luster—what Nabokov once called "aesthetic bliss"—is missing.

ROBERT PENN WARREN BY JACK COUGHLIN FOR THE NEW REPUBLIC

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However Warren is finally judged and ranked as a poet or novelist, he surely has a special distinction as the gifted man of letters who exemplified a relatively new species in the American cultural ecosystem. Before the First World War, the lettered professor-cum-writer, who if required could turn out a textbook, write a popular article, and straddle the domains of scholarly and commercial publishing, wasn't exactly unknown but certainly didn't flourish in institutions of higher learning. Until the great upheaval in the 1930s, writers tended to steer clear of colleges (Edmund Wilson warned them to have no truck with spongy adolescent minds), but after publishers' advances and other sources for the survival of freelance writing dried up, the ensuing *hegira* to the universities began.

Blotner doesn't associate Warren with such academic phenomena as the "writer-in-residence," literary "workshops," and intellectual "task forces," but Warren belongs in the vanguard of the bookish literary contingent who did so much to change the substance and the method of literary study in the academy. He saw nothing contradictory in his esoteric and exoteric activities, and wrote with equal facility for magazines such as *Life* and for those of small circulation. Comfortable in the university ambience, a dazzler in the classroom, he never dodged his pedagogical duties (in fact he loved to teach) or confined himself to a "field" of inquiry. He wrote and lectured on philosophers, soldiers, and politicians; on Jefferson, Audubon, and Lincoln; on Dante, Coleridge, Melville, Whittier, and Dreiser, always taking his own path, staying unstuck from dogmas, and ever prepared to revise old judgments.

The 1940s and 1950s were probably his apogean years. English teachers all over the country were adopting and learning from *Understanding Poetry* (1938), which Blotner with pardonable exaggeration calls "the most influential poetry text ever printed." Compiled by Warren and Cleanth Brooks, his longtime friend and colleague, tinged with the social and aesthetic assumptions of the Southern Agrarian school (a respect for tradition, order, form, and decorum, for what was organic, rooted, concrete) and spiced with cunning analyses of selected poems, it instructed generations of college students (and often their teachers) in what a poem was and how to read it, how to distinguish "successful" from "unsuccessful" poetry.

Then and later Warren monitored the progress of poetry and took note of its social tendencies and its changing audiences. Receptive to the new and rooted in the old, he remained partial to the "philosophic" poets such as Wordsworth, Hardy, Yeats, Eliot, and Frost. The last, whom he increasingly admired, came to epitomize for him the true poet, "aware of the tensions of the age" and the difficulties of reducing them, a "powerful personality," a stoic and ironist "able to be gay because of the tragic strength of self-certitude." I think Warren aspired to become that kind of poet. Yet one need not agree that Warren belongs in the company of Frost and Stevens and other writers of comparable stature to acknowledge his own measure of greatness as an accomplished practitioner of the literary arts, a more than competent historian, a chronicler of his times. He stands properly tall on Blotner's pedestal.

DANIEL AARON is professor emeritus of English at Harvard University.

TRB *continued from page 4*

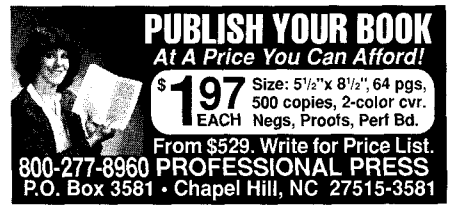
in calling for the school's honors program to be shut down. If it were, most of the parents would immediately take their children out of the public schools. My daughter would be gone in a nanosecond.

Like the campaign for forced busing three decades ago, the campaign against honors programs will make a difficult situation impossible. Busing attempted to integrate urban schools by singling out working-class whites while exempting wealthy suburbanites. It precipitated two decades of white flight that created ill-financed, all-black school districts. The attack against honors programs attempts to remove educational tracking by targeting middle-income suburban schools and urban schools that are attempting to reintegrate. It singles out middle-class whites (although it equally threatens other middle-class parents) while exempting the parents and children of Potomac, Winnetka, or Shaker Heights. If this attack succeeds, it will destroy what remains of popular support for public education and turn the public schools into a branch of the welfare system.

Is there any alternative? I would move against the disruptive kids and their parents rather than against honors program kids and their parents. I would give principals and teachers the power to expel students who are violent and who display no interest in learning. In Montgomery County, for instance, principals recommended 1,090 expulsions in 1995; the superintendent and school board allowed only three! I'm not sure why. But I suspect this timidity has something to do with a protest the National Association for the Advancement of Colored People mounted several years ago against school expulsions, claiming they disproportionately affected black students.

I would make sure both the regular and honors students in the integrated schools get as much funding as those in the upper-class, predominantly white schools—which does not happen now, because the integrated schools have to spend much more of their budgets on special education. And I would try to root out incompetent principals and teachers through market discipline—by allowing parents a choice of public schools in their county or district. Within a decade or so, you would still need honors classes, particularly in math and the sciences, but you might not need to have separate honors programs. But what do I know? I'm not one of the geniuses *U.S. News* consulted. I'm just a dumb parent.

JOHN B. JUDIS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SEATTLE DIARIST

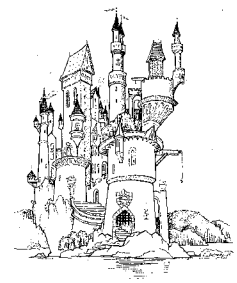
Gates's heaven

CAPTAIN DOUG IS OUR TOUR guide today, and Captain Doug knows what we want to see. "Here it is on your left, folks," he booms as the Argosy Cruises boat tacks toward the shore of Lake Washington. "All 40,000 square feet of it." A dozen or so of us scurry to the railing to peer at the wood and glass compound tucked into a dark green bib of lakefront. Until you are smack in front of it, it's hard to grasp how big it is; once you are, it looks more like a bustling village than a single-family dwelling. "I could live there," says a woman who has been chasing her Popsicle-splattered toddlers in an ever-tightening circle on the deck. "Except that the cleaning bills alone would kill us." Behind her, a very large man in an "Are We Having Fun Yet?" T-shirt is snapping pictures with a disposable camera. "Fifty million for *that*?" he snorts between exposures. "I've stayed at better looking Marriotts."

STRICTLY SPEAKING, BILL GATES hasn't asked any of us what we think of the new house he has been building for the last seven years and will move into this month. Al Gore and a hundred CEOs got an inside tour of the cyberbaronage in May, but Mr. "Are We Having Fun Yet?" and I haven't exactly been invited. We're a half-mile or so offshore in a big, white boat that takes about 150 tourists to see the Gates spread every day during the summer. We need binoculars to even try and catch a glimpse of the sixty-foot swimming pool with the underwater speakers, the giant trampoline room with the twenty-foot ceilings, or the private estuary stocked with (yes) cutthroat trout.

NO MATTER. WE CAN STILL DO what Americans have been doing since at least the days of Carnegie, Vanderbilt, and Frick—we can subject the tastes and spending habits of a colossally rich man to the cranky tribunal of public opinion. Because this is an old game, though, the criteria are a little antiquated too. We wonder how ostentatious the Gates mansion is, how worthy a successor to the frou-frou estates of the American merchant princes. Is it, as many a commentator would have it, a sort of "high-tech Xanadu," luxurious beyond precedent? Gates himself keeps this line of thinking alive by insisting that it is none of these things. In his 1995 book *The Road Ahead*, he declares, modestly, that his house is no San Simeon—"one of the West Coast's monuments to excess," as he primly puts it. What it really is, he explains, is a house of the future, a test site for computer-assisted living. And the living space itself, he reports even more modestly, is "about average for a large house."

I DON'T THINK SO, BUT THAT'S not the point. When you are very, very rich, your money buys you what you want it to buy. If you want it to buy Dom Perignon, it buys Dom Perignon. If you want it to buy hamburgers, it buys hamburgers, lots of them. And if you want it to buy a micromanaged and remote-controlled home—a cyber-nerdy, Ian Flemingish dream of a pad, it buys you that, too. Increasingly, what great wealth procures for itself is not, in fact, Pharaonic excess—the battlemented castles, pink marble bathrooms and gout-inducing banquets of the Gilded Age—but insulation, carefully calibrated, from the contingencies and disruptions of daily life as most people live it. That's why the Gates house is the perfect symbol of the new elite. It is not a monument to excess so much as a monument to control. (Sure it's huge, but the aesthetic is more office park than Shangri-la.) And for the baby-boomer aristocracy, as Christopher Lasch has written, control—over social reality, over the biological reality of reproduction and aging—has become an obsession. There are many ways to achieve this kind of mastery over one's environment, but Gates may have hit upon the surest: building yourself a technological cocoon that anticipates your every need and protects you not only from danger, but from serendipity as well.



"FIRST THING, AS YOU COME IN," Gates has written of his house, "you'll be presented with an electronic pin to clip to your clothes. The pin will connect you up to the electronic services of the house.... [It] will tell the house who and where you are, and the house will use this information to try to meet and even anticipate your needs—all as unobtrusively as possible." The pin will cause a beam of light to follow you from room to room, for instance, and to fade behind you, like an extremely self-effacing butler. It will cause the "house system" to play your favorite music and to project on the walls your favorite images, culled from Gates's vast electronic database of photographs and paintings. "In fact," he writes, "the house will remember everything it learns about your preferences. If in the past you've asked to see paintings by Henri Matisse or photographs by Chris Johns of *National Geographic*, you may find other works of theirs displayed on the walls of the rooms you enter.... If you don't take telephone calls during dinner, the phone won't ring if the call is for you. We'll also be able to 'tell' the house system what a guest likes. [Microsoft crony] Paul Allen is a Jimi Hendrix fan, and a head-banging guitar lick will greet him whenever he visits." What if he doesn't want to hear a head-banging guitar lick every time he visits? What if he wants to be surprised? What if he would rather rummage around in somebody else's sensibility for a while? The Gates house, unlike the pseudo-Euro palaces of the robber barons, is not about proving to the world that its owner has taste; it's about showing that he can figure out yours. It is a mansion for our times: even its decor is niche-marketed.

AS NANCY KOEHN, A HARVARD Business School professor who has studied the high-tech world, puts it, "There is a huge amount of solipsistic fantasy involved in the Gates house. But then there is a huge amount of solipsistic fantasy in cyberspace. Computers are increasingly geared to consumption now, but it's consumption within ever more controlled parameters." Consider, for example, Gates's own vision for the future of the Internet. Not long from now, he crows, "You'll watch a program when it's convenient for you instead of when a broadcaster chooses to air it. You'll shop, order food, contact friends, or publish information for other people to use when and as you want to. Your nightly newscast will start at a time you determine and last exactly as long as you want it to, and it will cover subjects selected by you or by a service that knows your interests." (So much for developing new interests.) And should you venture outside the control zone, say to try a new restaurant, Gates assures you that the Internet will provide all the strategic information you'll need to make the perilous journey—not only restaurant reviews, but health department reports, crime statistics on the neighborhood where it is located, "and directions based on current traffic conditions." No surprises, please. We're rich, we're scared—and our houses may be smarter than we are.

MARGARET TALBOT

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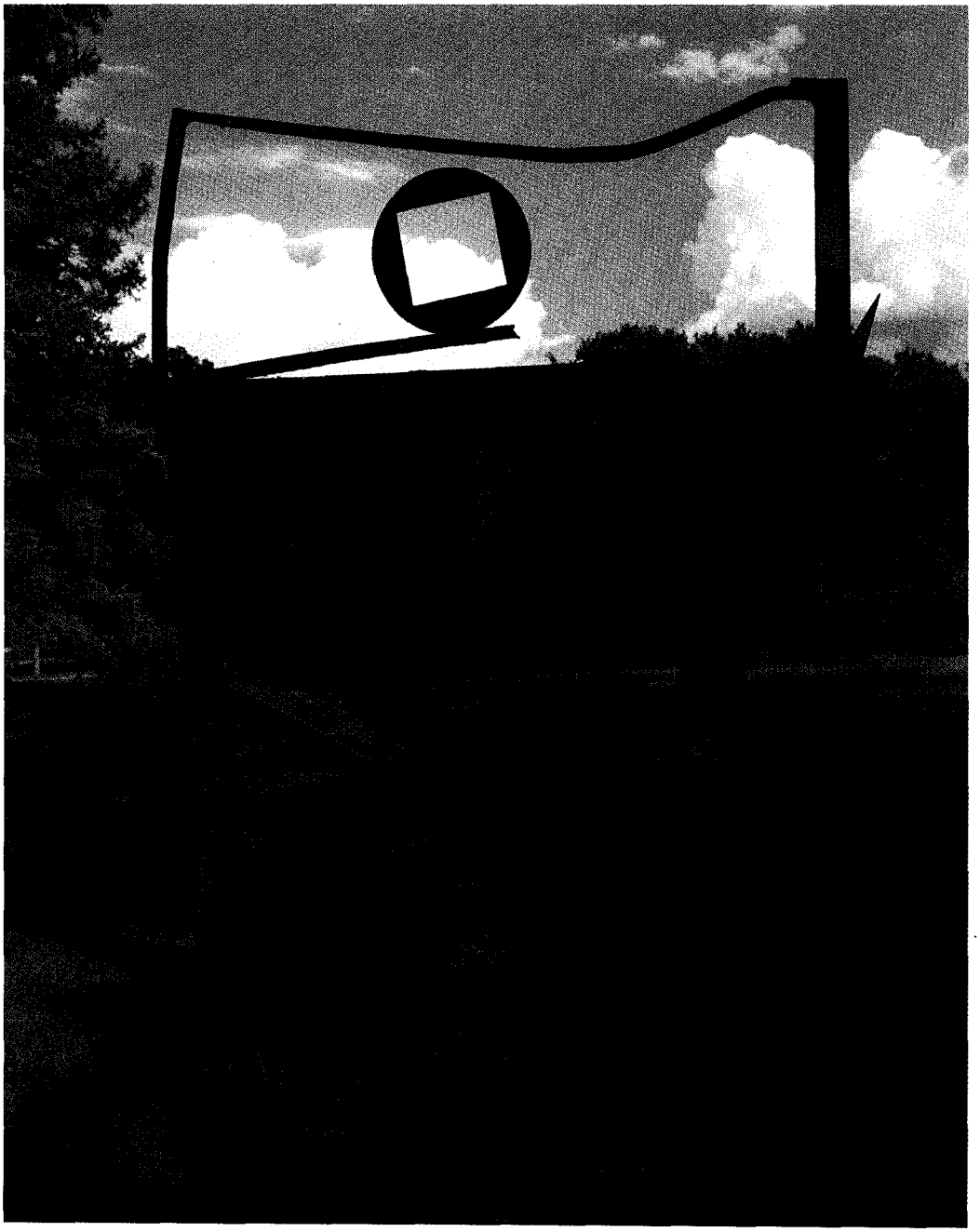
Michael Steiner



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